

215 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-46211-2023

Date of Decision: 20.09.2023

Sunil

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Naveen Kashyap, Advocate
 for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.09 dated 18.02.2023 registered under Sections 326, 34 379-B of IPC (Sections 201, 325 of IPC added later on and Section 326 IPC deleted) at Police Station GRP Panipat, District Ambala Cantt. (Annexure P-1).

2. As per the case of the prosecution, a police team headed by SI Balwan Singh was present at the main Chowk, Railway Station, Panipat and in the meantime, Rakesh Kumar, complainant moved a complaint stating that he was resident of Pappu Colony, Panipat. At about 9.15 p.m. on 17.02.2023, he along with his friend Raju were going to their rented house after finishing their duty. When they were crossing the railway line, suddenly six young boys attacked on him and tried to snatch his mobile phone make K10 5G colour ocean blue. His friend tried to save him, but he was beaten up by those boys

and they snatched his mobile phone and fled from the spot. With these broad allegations, the FIR in the present case was registered.

3. During the course of investigation, Sunil Kumar @ Radu, co-accused was arrested and on the basis of his statement, the petitioner and other persons were arrayed as accused in the present case.

4. Learned counsel for the petitioner submits that the petitioner is a young boy, aged about 23 years and had not participated in the alleged occurrence. He further submits that the petitioner has been nominated as an accused in the present case on the basis of the disclosure statement suffered by his co-accused and the evidentiary value of the said statement is yet to be decided by the trial Court. He further contends that the petitioner was arrested in the present case on 18.02.2023 and is in custody since then. The challan in the present case has already been presented and only three witnesses, out of total 12 witnesses, have been examined. The next contends that the case is listed on 23.10.2023 for recording of the prosecution evidence and his custody will not serve any meaningful purpose.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that he along with other co-accused had caused serious injuries to the injured. She further contends that a mobile phone was recovered from the petitioner and has been duly identified by the complainant.

6. I have heard the learned counsel for the parties and perused the record.

7. It is not in dispute that the petitioner was arrested in the present case on 18.02.2023 and the challan has already been presented in the present

case. Apart from that, only three witnesses, out of total 12 witnesses, have been examined and the trial Court may take a long time to conclude the trial and his further custody will not serve any meaningful purpose.

8. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

20.09.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No