

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-48767-2023

Date of Decision:-13.12.2023

Harsh.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Liaqat Ali, Advocate for the Petitioner.

Mr. Ravish Kaushik, Additional Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.18 dated 19.01.2023 under Sections 379-A, 34, 201 IPC registered at Police Station HSIDC Barhi, District Sonapat.

2. The present FIR came to be registered at the instance of Suraj Bajpai who stated that on 19.01.2023 while he was walking and talking on his mobile phone, three unknown persons came to the spot on a motor cycle and snatched his mobile phone make Realme-C2 having SIM Card No.9569923691 and fled away from the spot.

During the course of investigation, it transpired that mobile/SIM Card No.8059706755 had been inserted in the snatched mobile on 19.01.2023 and said mobile/SIM Card No.8059706755 was found in the

name of Rajender son of Gordhan. Rajender was joined in the investigation who stated that the mobile phone was being used by his son Deepak.

On 12.02.2023 secret information was received by the investigating agency that the accused were Deepak @ Deepu son of Rajender, Harsh @ Golu (petitioner) son of Narender and David son of Suresh. Based on the said information the said accused were arrested in the present case on 12.02.2023. Deepak got recovered a motor cycle bearing no.HR-42H-6608 used in the commission of crime whereas the petitioner-Harsh got recovered the mobile phone snatched from the complainant bearing IMEI No.868571047613295 and 868571047613295.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. His co-accused have been granted the concession of bail by this court vide order dated 13.09.2023 (Annexure P-3). In the three other cases registered against the petitioner bearing FIR No.27 dated 13.01.2022 under Section 25 of Arms Act PS Ganaur, Sonipat, FIR NO.181 dated 17.06.2021 under Sections 323, 324, 506 IPC P.S. Ganaur, Sonipat and FIR No.326 dated 18.09.2021 under Sections 323, 324, 506 IPC P.S. Ganaur, Sonipat he had been granted the concession of bail. Therefore, he was entitled to the similar concession in the present case as well as he was in custody since 12.02.2023 and none of the 11 prosecution witnesses had been examined so far.

4. The Counsel for the State on the other hand has filed reply by way of affidavit of Mr. Gorakh Pal, Assistant Commissioner of Police, Ganaur, Sonapat, which is taken on record. While referring to the reply he contends that the petitioner and his co-accused had committed a heinous offence and as such he was not entitled to the concession of bail, more so when he was a habitual offender. He however concedes that the petitioner is

in custody since 12.02.2023, none of the 11 prosecution witnesses have been examined so far and his co-accused namely Deepak and David have been granted the concession of bail vide order Annexure P-3.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. The petitioner is in custody since 12.02.2023 and none of the 11 prosecution witnesses have been examined so far. His co-accused namely Deepak and David have been granted the concession of bail vide order Annexure P-3. In the other cases registered against the petitioner, he has been granted the concession of bail. In this situation the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Harsh** son of Sh. Narender Kumar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

11. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

12. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of

the absence of the petitioner from trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 13, 2023
Vinay

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