

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 50496-2022 (O&M)
Date of Decision: 13.03.2023

Akshay

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Jitender Dhanda, Advocate for
Mr. Fateh Saini, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 151 dated 01.05.2022, under Sections 392 IPC and Section 25 of Arms Act (Sections 397/120-B IPC and Sections 25 (1)(a) and 29 (B) of Arms Act added later on) registered at Police Station Narwana Saddar, District Jind, Haryana.

Learned counsel for the petitioner contends that the petitioner is in custody since 10.06.2022. As per the allegations levelled by the complainant in the FIR, two boys whom the complainant gave lift, snatched

away his car (which was not registered in his name) on the gun point and fled with the said car. He submits that the petitioner has been falsely implicated in the present case as the petitioner has not been named in the FIR rather he was nominated as an accused after one Sunil, who during investigation in some other FIR suffered a disclosure statement and admitted his involvement in the said offence and accordingly during further investigation petitioner also joined investigation and was implicated in the present case, who has clean antecedents, with no criminal history. He further submits that said Sunil has already been granted default bail by the trial Court and neither car nor pistol used in the occurrence has been recovered from the petitioner rather the same was got recovered from the other co-accused namely Amarjeet. The challan stands presented and the charges have been framed and none has been examined out of total 16 witnesses and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature as he snatched away the car on the gun point, however, does not dispute the fact that co-accused Sunil has been allowed bail and challan stands presented.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 10.06.2022.

It is not a case made out by the respondent-State that in case

concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the co-accused has been allowed bail, and petitioner who is a student with no criminal history and the challan stands presented where charges have also been framed and out of 16 witnesses, none has yet been examined and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)

JUDGE

13.03.2023

seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No

