

S. No.213

2023:PHHC:163056

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

CRM-M-48566 of 2023

Date of Decision:19.12.2023

Kushal

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Baljeet Beniwal, Advocate for the petitioner.
Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.329 dated 13.04.2023 registered under Section 395 IPC at Police Station Sadar Hisar, District Hisar.

As per prosecution allegations, complainant – Jitender is a driver on Tralla No.HR-45B-3978. On the night intervening 12/13.04.2023, he was having dinner at Hotel beneath Jindal Flyover, Hisar. 7-8 boys suddenly came, starting beating him and took away ₹35,00/- from his pocket. One of the boys snatched mobile. When he raised alarm, Lakhan Singh arrived at the spot. Snatchers fled away. One of the body was nabbed who revealed his name as Rohit. Police was called but Rohit also slipped away. FIR was registered. During investigation, Rohit was arrested on 14.04.2023 and in his disclosure statement, he disclosed the name of petitioner and other persons, who were involved in the crime. Prosecution also alleges that snatched mobile was recovered from the possession of the petitioner.

It is contended by learned counsel for the petitioner that petitioner is not named in the FIR; that the mobile allegedly recovered from him has been

planted upon him and that he is in custody for the last more than 05 months and trial may take long time to conclude and that he has no criminal antecedents.

Learned State Counsel concedes that petitioner is not named in the FIR but submits that he has been nominated by the accused who was nabbed from the spot itself. Learned State Counsel also pointed out towards the nature of crime so as to oppose the petition.

It is also informed that after filing of the challan, charges have been framed on 04.11.2023 but not even a single witness has been examined so far.

As per the custody certificate placed on record by learned State Counsel, petitioner is in custody for the last 05 months and 19 days with no criminal antecedents.

Having regard to the afore-said facts and circumstances, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

December 19, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No