

229

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

CRM-M-51426-2022(O&M)

Date of Decision: 02.03.2023

MANPREET SINGH ALIAS MANI

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Kamal Jindal, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.30 dated 24.06.2022 registered under Section 379-A read with Section 34 of the Indian Penal Code at Police Station GRP Sirsa, District GRP Ambala Cannt. (Annexure P-1).

Succinctly, the FIR in question was lodged on the complaint of one Awkarandeep Kaur D/o Tek Singh, stating therein that she is a student of 12th standard and she takes her tuition classes from Jinkel Institute Alikan Road. It is submitted by the complainant that on 23.06.2022, when she was coming back to her home on foot, after attending her tuition classes then at around 12:00 p.m., when she reached in middle of railway crossing near Gol Bazaar then two boys came from the side of Gol Bazaar on bike and snatched her mobile phone make OPPO, colour Navy Blue, having EMI

No.860439057488230. Accordingly, the FIR in question was registered against un-known persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that the instant case has been foisted upon the petitioner on the basis of an alleged confession made by petitioner in another case FIR No.205 dated 29.04.2022, regarding occurrence mentioned in present FIR (Annexure P-1). It is further submitted that investigation of the case is complete and even challan has been presented on 11.10.2022. Learned counsel further submits that the petitioner is in judicial custody since 19.07.2022 and his total custody as on 01.03.2023 is 07 months and 13 days. It is also submitted that test identification parade has not been conducted in this case and nothing has been recovered from the possession of the petitioner. Learned counsel further submitted that the petitioner is not involved in any other case, the trial is likely to take long time and no useful purpose would be served by keeping him behind the bars any further. It is submitted that the petitioner had applied for grant of regular bail before the learned Sessions Judge, Sirsa, which has wrongly been dismissed vide order dated 26.10.2022 (Annexure P-2). Learned counsel further submits that the petitioner herein is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

On advance service of copy of the petition, Mr. Ram Kumar Singla, Deputy Advocate General, Haryana, appears and files custody certificate dated 01.03.2023 of the petitioner in Court today, which is taken on record, subject to all just exceptions.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence. However, he does not dispute the fact that the challan in the present case has been presented on 11.10.2022. It is also not disputed that the present petitioner has been in custody since 19.07.2022 and the trial is likely to take some time.

I have heard learned counsel for the parties and perused the paper book as well as the custody certificate of the petitioner handed over by learned State counsel, in Court today.

In this case, FIR No.30 dated 24.06.2022 (Annexure P-1) was registered against unknown persons. The petitioner is a young boy of around 25 years of age, at the cross roads of his career building stage and is behind the bars for the last more than seven months. The investigation in the case is complete; challan has been presented on 11.10.2022; the trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars.

Thus, without commenting on the merits of the case, petitioner-Manpreet Singh alias Mani is ordered to be released on bail subject to his furnishing of bail/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned. 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 that he is not involved in any other crime other than the case mentioned in the present order. In addition, the petitioner (or any one on his behalf) shall prepare a 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.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

02.03.2023

Amandeep

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No