

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

(211)

CRM-M-53632 of 2022**Date of Decision: 14.03.2023**

Vansh

.....Petitioner

Vs.

State of Haryana

.....Respondent.

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana. -

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 12 dated 04.01.2022 under Sections 302, 392, 397 IPC (Sections 396, 201 and 216 IPC added later on) as well as Section 25 of Arms Act registered at Police Station Samalkha, District Panipat.

Learned Senior Counsel for the petitioner contends that the petitioner is in custody since 12.01.2022. He is a student aged about 19 years who has just completed his 12th standard and has clean antecedents with no other criminal case pending against him. He further contends that initially the alleged FIR was registered against unknown person and the petitioner neither named in the FIR nor any suspicion has been raised against him qua the alleged incident. It is only when other co-accused Ankit and Prashant were arrested on 12.01.2022 and petitioner's arrest was made solely on the basis of belated supplementary statement of complainant. Apart from that, there is no other evidence to corroborate the version of the complainant where thereafter, the disclosure statement of the petitioner and co-accused were allegedly recorded

which are inadmissible in law. It is further contended that the entire case of the prosecution is based on circumstantial evidence, the chain of which is not completed in the present case as the bag of money and mobile phone of the deceased were snatched by the co-accused Deepak and Prashant but the petitioner was not present at the spot and recovery of driving licence of the deceased from the petitioner is highly improbable, where the alleged recovery was shown to be made after 04 days of arrest of the petitioner, which points out the factum of planted recovery. It is also contended by the learned Senior Counsel that as per disclosure statement of the petitioner, the alleged role is of doing *recci* and no injury or snatching is alleged against him and he has been implicated only with the aid of Section 120-B IPC. He again submit that no other role has been alleged against the petitioner and as per the disclosure statement although inadmissible, it is alleged that Deepak and Prashant were the real assailants, who had fired and taken the bag of the deceased. He further submits that though the challan stands presented, however, charges are yet to be framed and there are no other antecedents and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Reply and the custody certificate have been filed by the respondent-State, which are taken on record. 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 there are serious allegations against the petitioner and during investigation, it came to light that he was the friend of the complainant and he conspired with the other accused persons to loot the money bag of deceased. However, he does not dispute the fact that the petitioner is in custody since 12.01.2022 and challan stands presented in this case.

I have heard learned counsel for the parties.

Petitioner is stated to be incarceration since 12.01.2022.

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, petitioner who is a student and has been in custody since 12.01.2022 and nothing is to be recovered and as per contentions raised by the learned Senior Counsel for the petitioner, the alleged role of the petitioner is of doing recci and it is only co-accused, namely, Deepak and Prashant who fired and snatched bag of the deceased, where petitioner was not present. Even as per State's reply, the co-accused Deepak got effected the country-made pistol with magazine used in crime. Since challan stands presented and the trial would take sufficient time, so 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

14.03.2023
Anjal

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