

CRM-M-53257 of 2022

2023:PHHC:051788

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

CRM-M-53257 of 2022

Date of decision: 13.04.2023

Sanjay

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Mohd. Shahid Hussain, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J.

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.424 dated 19.07.2022 under Sections 379-B, 34, 341 IPC, registered at Police Station Ganaur, District Sonipat.

Brief facts of the case are that on 19.07.2022 when ASI Satbir along with his colleagues was present at Nameste Chowk, Ganaur then complainant Balram met him. He presented his MLR where doctor has opined two injuries on his person. The complainant also moved a written complaint in which he stated that he works in DRHK Rice Mill, Sanphera, Ganaur. On 18.07.2022, at about 9.30 PM he set out on his Motor-Cycle No.HR-11G-8129, Make Honda, colour black from his village Butana for Rice Mill, Sanphera to perform his duties. At about 11.15 PM near village Gumar, two Motor-Cycle borne boys came from village Khubru side. They were having a Splender Motor-Cycle. Those Motor-Cycle borne boys

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obstructed the path of the complainant. The person sitting on the rear of the Motor-Cycle was carrying a Danda. Giving description of the apparels of the Motor-Cycle borne boys, complainant stated that pillion rider started causing injuries to him with Danda on the hands and legs and those Motor-Cycle borne boys snatched the Motor-Cycle of complainant, Mobile Phone Realme carrying SIM No.9671502931 and 7015256129 and purse. Upon it above referred FIR was registered. Investigations were started and on the basis of EMI of the snatched mobile phone, its CDR was got extracted and SIM No.9518682115 was found being operated. CAF ID was taken out. Call details of other mobile phones were also collected. Petitioner-Sanjay was arrested on 12.08.2022 and from him Rs.200/- out of the snatched amount were got recovered. Offence under Section 120B IPC was added. From the petitioner, Motor-Cycle No.HR-60J-4789 make Bajaj CT 100 used in commission of crime was also got recovered. Co-accused Gaurav was also arrested and from him petrol tank and seat cover of the snatched Motor Cycle were got recovered. Co-accused Anil was also arrested and from him, parts of snatched Motor-Cycle No.HR-11G-8129 were got recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that complainant has not supported the prosecution version as in his cross-examination he has stated that he could not identify the persons who had snatched his belongings; accused present in Court never snatched his motorcycle, mobile and purse. Learned counsel further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 15 prosecution witnesses, five

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have been examined. He submits that petitioner is in custody since 12.08.2022. He is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Per contra, learned State counsel while placing on record custody certificate has opposed the prayer for grant of regular bail to the petitioner. However, he could not refute that the complainant has resiled from his statement.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioner, which is 08 months and 01 day; complainant has not supported the prosecution version; investigation is complete; challan has been presented; charges have been framed and out of 15 witnesses, five prosecution witnesses have been examined till date; petitioner is not involved in any other case and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

13.04.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No