

2023:PHHC:136690

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM M-52419 of 2023
Date of Decision: 19.10.2023

Kapil

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Rajesh Duhan, Advocate, for the petitioner with
Ms. Gurmeet Kaur, Advocate.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.625 dated 23.07.2022 registered under Sections 379-B and 34 IPC at Police Station Indri, District Karnal.

2. The FIR in the present case was registered on the basis of statement made by Ramesh Kumar, who alleged that at about 10.30 a.m. on 23.07.2023, he was coming on his bicycle along the bank of Western Yamuna Canal and three young boys were sitting on the bank and they attacked him all of a sudden. They took him into the bushes, caused him injuries and forcibly snatched a sum of Rs. 5,000/- from the back pocket of his pant and fled away. As per him, name of one of

the accused was Kapil and he could identify the remaining three assailants, in case, they were brought before him.

3. Learned counsel for the petitioner submits that the petitioner has been falsely involved in the present case, with ulterior motive and the version of the prosecution is highly unbelievable. Learned counsel further contends that the petitioner was arrested on 04.08.2022 and is in custody for the last more than 01 year and 02 months. Learned counsel further submits that in the present case, the charges were ordered to be framed on 17.11.2022 and no witness has been examined so far and the trial has been unreasonably delayed by the prosecution.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that serious and specific allegations have been levelled against the present petitioner and he has been named in the FIR as one of the main accused.

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

6. It is apparent from the record that the petitioner was arrested in the present case on 04.08.2022 and is in custody for the last more than 01 year and 02 months. No witness has been examined by the prosecution so far and the trial has been delayed without any fault on the part of the present petitioner. Still further, the co-accused

Vicky @ Vikram has already been granted the concession of bail vide order dated 10.08.2023 (Annexure P-3) passed by this Court.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

19.10.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No