

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

CRM-M-52660-2023

Date of Decision:20.10.2023

Mahesh and Anr.

...Petitioners

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Raman Chawla, Advocate
for the petitioners.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 80 dated 14.03.2023 registered under Sections 392, 341 of IPC, (Section 395,201 and 392 of IPC deleted later on) registered at Police Station Sadar, District Jind.

2. The FIR in the present case was registered on the basis of the statement made by Naresh Kumar son of Baru Ram Dhanda. As per him, on 13.03.2023, he had gone to Kaithal and while he was returning home, unknown pesons had blocked his way with a white colour car without number plate and snatched his I-20 car bearing registration No.HR-40G-4161. All the accused were having sticks in their hands and had covered their faces. His two mobile phones were also there in the car and were also snatched. He further submits that Rs.15000/, Rs.4000/- in the wallet and two notes of Rs.2000/- were lying in the dashboard. They also took away his Aadhar Card, Driving license, Pan Card and Aadhar Card and Pan Card of his wife etc. As per the complainant the

incident had taken place at about 01:30 AM on 13.03.2023.

3. Learned counsel for the petitioner submits that neither the petitioner has been named in the FIR, nor there is any averment in the FIR, which even remotely connects the petitioner with alleged crime. As per him, the car, which was allegedly snatched was recovered on 19.03.2023 from Parveen and Ajay. He further submits that the petitioner was arrested in the present case on 20.03.2023 and is in custody for the last seven months . He further contends that only one witness has been examined out of total nine witnesses so far and the prosecution has delayed the examination of witnesses, just to ensure the long incarceration of the present petitioner. He further submits that due to the said delay, his right to speedy trial has been violated under Article 21 of the Constitution of India.

4. On the other hand learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in a serious crime and is not entitled for concession of bail. However, she submits that there is no other case against the present petitioner except the present case.

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

6. As per the admitted stand of the parties, the petitioner is confined in jail since 20.03.2023 and after the conclusion of the investigation, the challan has already been presented against the present petitioner. Further, only one witness has been examined out of total nine witnesses and the conclusion of the trial before the Trial Court may take quite a long time. Thus, further custody of the petitioner will not be of any useful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

20.10.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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