

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 55914-2022 (O&M)
Date of Decision: 10.01.2023

Mohit alias Gadda

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Anshuman Dalal, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 108 dated 23.02.2021 under Sections 379-B, 394, 397 read with Section 34 of IPC and Section 25 of Arms Act registered at Police Station City Rohtak, District Rohtak, Haryana

Learned counsel for the petitioner contends that the petitioner is in custody since 16.03.2021. He submits that the petitioner has been falsely implicated in the present case as no recovery of any weapon has been effected from him and the investigation in the matter is complete as the challan stands presented. He further contends that the present FIR was registered against three unknown persons and no identification mark of assailants was given in the FIR and that the role attributed to the petitioner

has been that he was standing in the street. It is also submitted that the petitioner has not even been mentioned to have come to the aid of other accused when the paternal uncle of the complainant tried to apprehend them. Further more, interestingly as per the disclosure statement of the present petitioner, he had got some silver rings in his share of the loot, whereas as per the recovery memo dated 06.04.2021, silver chains were recovered from him and not even a single silver ring was recovered from him. It is prayed that the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from SI Budh Singh, opposes the grant of regular bail to the petitioner, while submitting that the petitioner is a habitual offender and the offence alleged against the petitioner is serious in nature and he is involved in more cases but does not dispute the fact that the challan was presented on 04.06.2021 and the charges were framed on 03.12.2021.

Confronted with the same, learned counsel for the petitioner submits that the petitioner is on bail in all the cases as mentioned in Paragraph 8 of Page 07 of the petition.

I have heard learned counsel for the parties.

As per custody certificate in the present case, the petitioner is in incarceration since 02.04.2021.

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, since the trial would take sufficient time, 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

10.01.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>