

2023:PHHC:143711

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

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**CRM M-55331 of 2023
Date of Decision: 09.11.2023**

Gori @ Kamal

...Petitioner

Vs.

State of Haryana

...Respondent

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

Present : Mr. Naveen Kashyap, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, 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.09 dated 18.02.2023 registered under Sections 326, 34 and 379_B (later on added Sections 201 and 325 of the IPC and Section 326 IPC deleted) at Police Station GRP Panipat, District Ambala, Cantt.

2. As per the case of the prosecution, a police team headed by SI Balwan Singh was present at the main Chowk, Railway Station, Panipat and in the meantime, Rakesh Kumar, complainant moved a complaint stating that he was resident of Pappu Colony, Panipat. At about 9.15 p.m. on 17.02.2023, he along with his friend Raju were going to their rented house after finishing their duty. When they were

crossing the railway line, suddenly six young boys attacked on him and tried to snatch his mobile phone make K10 5G colour ocean blue. His friend tried to save him, but he was beaten up by those boys and they snatched his mobile phone and fled from the spot. With these broad allegations, the FIR in the present case was registered.

3. Learned counsel for the petitioner is a young boy aged 19 years and has been falsely nominated as an accused on the basis of the disclosure statement suffered by the two co-accused. He further contends that the petitioner was arrested in the present case on 16.03.2023 and the mobile phone has already been recovered from him. He further contends that the co-accused Sunil has already been granted the concession of bail by this Court.

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 he alongwith his co-accused caused injuries to the complainant/injured.

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

6. The petitioner was arrested in the present case on 16.03.2023 and is in custody for the last about 08 months. Only three witnesses out of 12 witnesses have been examined before the trial

Court and the trial proceedings may take quite a long time to conclude the trial. Apart from that co-accused Sushil has already been granted the concession of bail by this Court vide order dated 20.09.2023 passed in CRM M-46211 of 2023.

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.

09.11.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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