

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-59184-2022 (O & M)****Date of decision: 13.04.2023**

Gourav Kumar @ Gora

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ashutosh Gupta, Advocate, for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.516 dated 08.08.2022 under Sections 379-A, 201 and 34 IPC registered at Police Station Sadar Thanesar, District Kurukshetra.

2. The brief facts of the case are that one Puran Chander Pandey got registered the instant FIR with the allegations that while he was talking to his brother on the phone at night, two people came from behind snatched the phone from his hand and sped away. Legal action was sought.

3. The learned counsel for the petitioner contends that the petitioner is not named in the FIR. The recovery of the mobile phone and the motorcycle allegedly used in the commission of the offence already stands effected from a co-accused who is a juvenile. Even otherwise, the complainant has since been examined as PW-2 and has not supported the prosecution case. As the petitioner was in custody since 22.09.2022 and only 06 out of the 19 prosecution witnesses had been examined so far, the

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petitioner was entitled to the concession of bail, moreso, as he was a first-time offender.

4. The learned counsel for the State, on the other hand, contends that the offences of this kind are on the rise, and therefore, the nature of the allegations against the petitioner and his co-accused did not entitle him to the grant of bail. He, however, does not deny the fact that the complainant-PW-2 has not supported the prosecution case as also the fact that the petitioner is in custody since 22.09.2022 and only 06 out of the 19 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties at length.

6. The veracity of the prosecution case against the accused shall be established during the course of Trial. Admittedly, the complainant has turned hostile. The petitioner is in custody since 22.09.2022 and only 06 out of the 19 prosecution witnesses have been examined so far. In addition, he is stated to be a first-time offender. As such, his further incarceration is not required.

7. In view of the above, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Gourav Kumar @ Gora is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

April 13, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No