

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.212

Case No. : CRM-M-59971-2022

Date of Decision : February 24, 2023

Neeraj Petitioner

vs.

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Nirmal Singh, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.241 dated 16.08.2022, under Section 379-A IPC, registered at Police Station Barara, District Ambala.

Reply by way of affidavit of Rajneesh Kumar, HPS, Deputy Superintendent of Police, Barara, District Ambala on behalf of respondent-State has been filed today in Court which is ordered to be taken on record.

As per the allegations, the petitioner and his co-accused Sagar snatched the mobile phone of complainant while she was going on her Activa on 16.08.2022 at about 02:00 PM near Sabzi Mandi, Barara. Thereafter, the accused fled away from there on their scooter.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.08.2022. The co-accused Sagar has been released on

bail by Learned Sessions Judge, Ambala vide order dated 20.02.2023. The challan is already presented. The prosecution witnesses i.e. complainant herself, her father and ASI Sandeep have already been examined as PW-1, PW-2 and PW-3 respectively. The petitioner is not a previous convict. The completion of trial is likely to take a long time. So, the petitioner be released on bail.

Learned State Counsel, on the other hand, has opposed the bail petition on the ground that the petitioner was identified by the complainant in the Police Station. Both accused made disclosure statement and led the police party to the rented house of Sagar, where both of them got recovered snatched mobile phone. Learned State Counsel further states that one more case is registered against the petitioner under Section 457/380 IPC at Police Station Barara, District Ambala.

Countering the submissions made by learned State Counsel, learned counsel for the petitioner submits that it was a joint disclosure statement and recovery was also effected on the basis of joint disclosure statement in the presence of both the accused and that too, from the house of co-accused Sagar, who has already been granted bail. In addition to that, identification in the Police Station without following proper procedure is no identification in the eyes of law. Therefore, the petitioner also deserves the concession of bail on the basis of parity.

Heard.

On asking, learned State counsel fairly concedes that the case of the petitioner is not different from that of co-accused Sagar, who has already been released on bail.

Keeping in view the facts that the petitioner is in custody since 17.08.2022; the other case registered against the petitioner is also on 17.08.2022; the complainant and her father have already been examined as prosecution witnesses and the completion of trial will also take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Ambala.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

February 24, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.