

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

**CRM-M-59962-2022
Date of Decision: 23.01.2023**

Sandeep @ Vicky

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Prateek Rathee, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER J. (ORAL)

Present petition is filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.158 dated 16.05.2022 (Annexure P-1), under Sections 379-B, 201 and 34 IPC, 1860, registered at Police Station Bhuna, District Fatehabad, Haryana.

Status report by way of an affidavit of Jugal Kishore, HPS, Deputy Superintendent of Police, Fatehabad, District Fatehabad (Haryana) is filed by the learned State counsel in Court today and the same is taken on record, subject to all just exceptions.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case it is submitted that the above said case FIR was registered on the statement of complainant Sewak Singh,

who stated that on 15.05.2022, he was taking a trolley loaded with fodder from Rasulpur to Bhiwani at about 11:30 p.m., when he reached Bhuna and crossed Khairi Chowk, Bhuna, then four persons on a motorcycle came in front of his tractor. It is alleged in the FIR that when he stopped his tractor, then the above said persons started abusing him and also manhandled with him and snatched away Rs.20,000/- and one mobile phone of VIVO company. The complainant is stated to have disclosed the name of one of the accused as Khandu. Accordingly, prayer was made for taking appropriate action against the accused persons.

Learned counsel for the petitioner submits that the petitioner was not named in the present FIR (Annexure P-1). It is further submitted that the petitioner was arrested in the instant case on the basis of disclosure statement suffered by co-accused namely Ravi @ Khandu. It is further contended that the phone belonging to the complainant, which was allegedly snatched from complainant, the same was stated to be thrown by Ravi @ Khandu into a canal situated at Khairi road, and due to that offence under Section 201 of Indian Penal Code was added in the case. It is contended that the petitioner has been falsely implicated in this case. It is submitted that the petitioner is in custody since 20.05.2022. Learned counsel submits that the investigation of the case is complete, challan has been presented in the concerned Court on 18.07.2022 and even charges have been framed on 15.10.2022. Learned counsel for petitioner submits that an amount of Rs.2000/- which was shown to be the alleged recovery from the petitioner by the police actually belonged to the petitioner himself. It is submitted that the petitioner is not involved in any other case. Learned counsel further submits that the petitioner herein is ready to abide by all the conditions as

may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence and submits that the petitioner does not deserve the concession of regular bail. However, learned State counsel does not dispute the fact that challan has been presented in the present case and even charges have been framed on 15.10.2022. It is also not disputed that the present petitioner has been in custody since 20.05.2022.

I have heard learned counsel for the parties and perused the paper book of the petitioner handed over by learned State counsel, in Court today.

The investigation in the matter is complete and the challan stands presented and even charges have been framed on 15.10.2022. The petitioner has been in custody since 20.05.2022. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also

furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

23.01.2023

Himani

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No