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

**CRM-M-60797-2022
Date of Decision: 03.03.2023**

Sumit @ Kartik

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sandeep Yadav, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER J. (ORAL)

Prayer in the present petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No.461 dated 22.11.2021, under Sections 379-A, 411, 120-B, 201 and 34 of Indian Penal Code, 1860, registered at Police Station Urban Estate, Rohtak, Haryana (Annexure P-1).

A Status Report by way of affidavit of Dr. Ravinder, H.P.S., Deputy Superintendent of Police, Rohtak on behalf of respondent-State of Haryana was filed. Custody certificate dated 28.01.2023 of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

Succinctly, the abovesaid case FIR was registered on the basis of statement of one Meenu (complainant) wherein she alleged that on 22.11.2021 at about 6:30 P.M., when she was going in the street towards her house, then suddenly a person wearing a helmet, came on a scooty from the front and snatched away her gold *mangalsutra* from her neck. She further stated that she could not see his face as the person was wearing a helmet.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as the case was registered against unknown persons and he has been implicated on the basis of his own alleged disclosure statement in another case FIR No. 489 dated 09.12.2021 under Sections 379, 511 and 34 of Indian Penal Code, 1860, registered at Police Station Urban Estate, Rohtak (Haryana) and no test identification parade has been conducted in this case. It is submitted that the petitioner has no concern with the alleged occurrence and the vehicle used in the alleged occurrence has already been recovered from another co-accused. It is further submitted that co-accused Subhash and Sheela have already been granted regular bail vide orders dated 21.12.2021 and 07.01.2022 respectively. Learned counsel for the petitioner submits that the petitioner has been in custody since 15.12.2021. It is next submitted that the challan has already been presented against petitioner on 05.02.2022 and the charges have also been framed on 24.03.2022. Learned counsel submits that there are total 18 witnesses and only 1 witness has been examined so far and trial is likely to take time. Learned counsel has contended that there are other cases also against the petitioner, however he relies upon a judgment rendered by Hon'ble Apex Court in ***Prabhakar Tewari Versus State of U.P. And another, 2020 (1) R.C.R. (Criminal) 831*** wherein it was held that even if the offence is grave and serious and there are several criminal cases pending against the accused,

these factors by themselves cannot be the basis for refusal of prayer for bail. 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.

Per contra, learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence, however, it is not disputed that the petitioner is in custody since 15.12.2021, investigation in this case is complete and Challan was submitted against petitioner on 05.02.2022 and even charges have been framed on 24.03.2022. It is further stated that there are total 18 witnesses out of which only one had been examined so far. It is also not disputed that the other co-accused Subhash and Sheela have already been granted regular bail.

I have heard learned counsel for the parties and perused the paper book with their able assistance.

In this case, FIR was registered against unknown persons and the petitioner has been implicated on the basis of his own alleged disclosure statement in another case FIR No. 489 and the veracity of such disclosure statement shall be subject matter of trial. Concededly, the petitioner was arrested on 15.12.2021, challan stands presented against petitioner on 05.02.2022 and charges have also been framed on 24.03.2022. Out of total 18 witnesses, only one witness has been examined so far. The Petitioner has been in custody for last more than 1 year and 2 months. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars. Moreover, other co-accused namely Subhash and Sheela have already been granted regular bail vide orders dated 21.12.2021 (Annexure P-3) and 07.01.2022 (Annexure P-4) respectively.

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.

03.03.2023*Himani***(HARSH BUNGER)
JUDGE**

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