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

**CRM-M-60738-2022(O&M)
Date of Decision: 04.05.2023**

KARAN

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

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

Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.

HARSH BUNGER, J. (Oral)

CRM-18712-2023

The instant application has been filed under Section 482 Cr.P.C for placing on record the affidavit of the complainant, order dated 06.01.2023 passed by this Court and order dated 16.06.2022 passed by learned Additional Sessions Judge, Karnal as Annexures P-2 to P-4.

For the reasons mentioned in the application, the same is allowed and Annexures P-2 to P-4 are taken on record, subject to all just exceptions.

CRM-M-60738-2022

Prayer in the present petition has been filed under Section 439

Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.151, dated 16.02.2022, registered under Sections 379-A and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act at Police Station Karnal City, District Karnal.

2. Status report by way of affidavit of Manoj Kumar, HPS, Deputy Superintendent of Police, Gharaunda, Karnal has been filed on behalf of respondent/State of Haryana, which is already on record.

3. Custody certificate dated 03.05.2023 of the petitioner is filed by the learned State counsel, which is taken on record, subject to all just exceptions.

4. The brief facts of the case are that on 16.02.2022 at about 5:15 AM, the complainant was going to buy fruits and vegetables from New Vegetable fruit market. When he reached near Dharma Kante and Peer Baba, passing through the industrial area before Brahmanand Chowk, which goes towards Mandi, suddenly two unknown boys came on a motorcycle and put a knife on the complainant's neck. Thereafter, the unknown boys threatened to hand over whatever the complainant was carrying with him at that time. The assailants snatched his Rs.9,000/-, Aadhar card and his other important documents/papers and disappeared in the darkness. Due to the darkness, the complainant could not see their faces, but according to their body structure the assailants appeared to be around 17-18 years, and one of them was addressing other as Shivam to start the motorcycle, while fleeing from the spot. Accordingly, the present FIR was registered.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case only on the basis of identification of complainant, however, the identification of the complainant is highly improbable because according to the own version of the

complainant, he was unable to see the assailants due to darkness. It is submitted that the petitioner is involved in two other cases i.e. FIR No.105, dated 02.02.2022 and FIR No.170, dated 23.02.2022, in which he has already been granted the concession of bail. It is next submitted that the petitioner is in custody since 17.03.2022 and he has undergone 01 year, 01 month and 17 days as on 03.05.2023. It is stated that challan has been presented in this case and even charges have been framed. Learned counsel further states that there are total 07 prosecution witnesses in the present case out of which Constable Sandeep Kumar, witness of disclosure statement has been examined till date and the trial is likely to take long time and no useful purpose would be served by keeping him behind the bars any further. It is submitted that the petitioner had applied for grant of regular bail before the Additional Sessions Judge, Karnal which has wrongly been dismissed vide order dated 02.07.2022 (Annexure P-1). 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.

6. Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence. Learned State counsel further submits that two more cases are also pending against the present petitioner i.e. FIR No.170, dated 23.02.2022, registered under Sections 379-B, 341, 506 and 34 of the Indian Penal Code at Police Station City Karnal, Karnal and FIR No.105, dated 02.02.2022, registered under Section 379-A of the Indian Penal Code, at Police Station Sadar Karnal, Karnal. However, it is not disputed that challan has been presented in this case and even charges have been framed.

7. I have heard learned counsel for the parties and perused the

paper book, status report as well as the custody certificate of the petitioner handed over by learned State counsel.

8. In this case, the petitioner is a young boy of around 20 years of age and is behind the bars for the last more than one year. The challan in the present case has been presented and the charges have also been framed. There are total 07 prosecution witnesses in the present case and out of which Constable Sandeep Kumar, witness of disclosure statement has been examined till date. No useful purpose would be served by keeping the petitioner behind bars.

9. 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 shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial.

10. In addition, the petitioner (or any one on his behalf) shall prepare a FDR in the sum of Rs.50,000/- and deposit the same with the trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. Nothing expressed here-in-above 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.

12. The petition is accordingly disposed of.

(HARSH BUNGER)
JUDGE

04.05.2023
Himani

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