

S. No.239

2024:PHHC:005525

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

CRM-M-1294 of 2024

Date of Decision:16.01.2024

Parvesh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vikas Bishnoi, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.329 dated 13.04.2023 registered under Section 395 IPC at Police Station Sadar Hisar, District Hisar.

As per prosecution allegations, complainant – Jitender is a driver on Tralla No.HR-45B-3978. On the night intervening 12/13.04.2023, he was having dinner at Hotel beneath Jindal Flyover, Hisar. 7-8 boys suddenly came, starting manhandling him and took away ₹3,500/- from his pocket. One of the boys snatched mobile. When he raised alarm, Lakhan Singh arrived at the spot. Snatchers fled away. One of the robbers was nabbed who revealed his name as Rohit. Police was called but Rohit also slipped away. FIR was registered. During investigation, Rohit was arrested on 14.04.2023 and in his disclosure statement, he disclosed the name of petitioner and other persons, who were involved in the crime. Prosecution also alleges that an amount of ₹100/- was recovered from petitioner.

It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that petitioner is not named in the FIR; that he has been nominated only on the basis of disclosure statement of the co-accused, which is not admissible in evidence; that he is in custody for the last more than 06 months; trial may take long time to conclude and that he has no criminal antecedents.

Learned counsel for the petitioners also contended that similarly placed co-accused Kushal has already been allowed bail by this Court vide order dated 19.12.2023 in CRM-M-48566 of 2023, copy of which is Annexure P.2.

Notice of motion.

Mr. Sumit Jain, Addl. AG, Haryana, accepts notice on behalf of the respondent- State. Custody certificate has been placed on record.

Learned State Counsel concedes that petitioner is not named in the FIR but submits that he has been nominated by the accused who was nabbed on the spot itself. Learned State Counsel also pointed out towards the nature of crime so as to oppose the petition.

Learned State Counsel also concedes the fact that case of the petitioner is on parity with that of co-accused Kushal, who has already been allowed bail by this Court vide order dated 19.12.2023 in CRM-M-48566 of 2023.

It is also informed that after filing of the challan, charges have been framed on 04.11.2023 but not even a single witness has been examined so far.

As per the custody certificate placed on record by learned State Counsel, petitioner is in custody for the last 06 months and 16 days with no criminal antecedents.

Having regard to the afore-said facts and circumstances and on the basis of parity, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

January 16, 2024

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No