

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232

CRM-M No.4063 of 2024 (O&M)
Date of Decision: 31.01.2024

VIKRAMPetitioner
Vs
STATE OF HARYANARespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. P.S. Jammu, Advocate with
Mr. Karan Bansal, Advocate for the petitioner.

Mr. Gurmeet Singh, Asstt. A.G., Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.546 dated 26.09.2023 registered under Sections 392, 120-B, 379-B, 450 IPC at Police Station Rania, District Sirsa.
2. Learned counsel for the petitioner submits that the petitioner has been implicated on the basis of disclosure statement made by co-accused Bhim Sain. In the present case accused Bhim Sain was apprehended, who disclosed the names of co-accused Ravi, Vijay and the present petitioner. As per allegations, the petitioner was keeping a watch when one of the accused entered the house of the complainant and snatched her ear rings.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that *prima facie* involvement of the petitioner is established from the electronic evidence in the shape of phone call details between the petitioner and co-accused Ravi, besides one more case under the NDPS Act involving the petitioner is pending against him.

4.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.
5.

In the present case, the petitioner is already behind the bars for a period of more than 04 months and the investigation stands concluded with the filing of challan followed by framing of charges. Petitioner was implicated on the basis of disclosure statement made by co-accused namely Bhim Sain, which is yet to be tested during trial along side electronic evidence in the shape of phone call details. Moreover, the petitioner volunteers to compensate the complainant as an interim measure for a non-refundable sum of Rs.50,000/- without prejudice to his rights in the trial.
6.

Considering the fact that the petitioner has already suffered incarceration for a period of 04 months, I do not find any justification to extend the incarceration of the petitioner.
7.

Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate and deposit of non-refundable sum of Rs.50,000/- without prejudice to his rights during trial, with the Trial Court at the time of his release, which shall be released in favour of the complainant upon due verification.

January 31, 2024

Atik

Whether speaking/reasoned

Whether reportable

(HARKESH MANUJA)

JUDGE

Yes/No

Yes/No