

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

214

2024:PHHC:022448

CRM-M-4920-2024

Date of decision: February 16th, 2024

Tushar Sisodia @ Vishu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sumit Puri and Mr. Surinder Jaipal, Advocates
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

Mr. Gurrehmat Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.275 dated 19.12.2023 under Sections 379-B and 34 of the IPC registered at Police Station Farakpur, Yamunanagar.

2. On 05.02.2024, following order was passed:-

“Learned counsel for the petitioner submits that the FIR in question was registered against unknown persons, who allegedly snatched ₹3500/- from the pocket of the complainant after inflicting injury with a wooden stick on his person. Learned counsel further submits that the petitioner came to be nominated as an accused during investigation in some other case, wherein the co-accused suffered a disclosure statement qua his involvement in the occurrence in question. It has been asserted by the learned counsel that it is a matter of record that the petitioner and the complainant reside in the same vicinity and hence, it cannot be digested, that had he been indeed attacked

by the petitioner, the complainant would not have recognized him or even named him in the FIR. Learned counsel has still further drawn the attention of this Court to Annexure P-3, which is an affidavit given by the complainant, wherein he has deposed that the petitioner was not one of those persons, who had accompanied the other assailants when an amount of ₹3500/- was snatched from the pocket of his trousers.

Mr. Gurrehmat Singh, Advocate, has entered appearance on behalf of the complainant and filed his power of attorney, which is taken on record subject to just exceptions. He has not disputed the submissions made by the counsel opposite and has further submitted that he would have no objection in case the petitioner is enlarged on bail.

Learned State counsel has opposed the prayer made by the counsel opposite for extending the concession of bail to the petitioner. She has submitted that the matter is still pending investigation and she needs to verify the criminal antecedents of the petitioner.

On her request, adjourned to 13.02.2024.”

3. Learned State counsel, on instructions, has not disputed the above submissions made by the learned counsel for the petitioner with respect to the complainant as well as the petitioner being neighbours and residing in the same neighbourhood.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. Petitioner has been in custody since 04.01.2024; trial would take considerable time to conclude as till date, challan has not been presented.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the

satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 16th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No