

CRM-M-8299-2024

2024:PHHC:026443

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-8299-2024

Date of Decision : February 26, 2024

ANMOL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.148 dated 01.03.2023, under Sections 323, 324, 326, 34, 379-B, 201 of the IPC, registered at P.S. Kotwali, District Faridabad,. Haryana.
2. Succinctly stated, the genesis of the prosecution case is embodied in the complaint made by one Kamlesh wife of Virender, alleging therein that, on 26.02.2023, during night hours, her son Rahul was coming to meet her at Krishna Colony, via AC Nagar Sabzi Mandi. Then four boys snatched ₹8,000/- and a mobile phone of her son and also caused injuries on him with broken bottle of liquor. The name of the assailants were stated therein, to be one Sagar, brother of Sagar, brother-in-law (jija) of Sagar and one Bihari.

3. The learned counsel for the petitioner, in his asking for the relief (*supra*), submits that the petitioner has not been nominated as an accused in the present FIR, rather he has been arrayed as an accused during police investigation, and that too, on the basis of disclosure statement of co-accused. Except the disclosure statement of co-accused, neither the investigating agency has seized of any incriminating evidence against the petitioner, nor any recovery has been effected from him. He further submits that the co-accused, namely, Deepak, has already been granted the relief of regular bail by this Court vide order dated 5.2.2024 passed in CRM-M-40994-2023 (Annexure P-2).

4. Lastly, the learned counsel for the petitioner submits that the petitioner, who has been languishing behind bars since March 2023, has clean antecedents, as he is not involved in any other criminal case, therefore, he deserves the concession of regular bail.

5. *Per contra*, the learned State counsel, vehemently opposes the grant of regular bail to the petitioner, however, he does not contests the factum *qua* period of incarceration suffered by the petitioner, as also the factum *qua* clean antecedents of the petitioner. Moreover, on instruction imparted to him by the official concerned, he informs this Court that charges have already been framed by the learned trial Court on 10.08.2023 and the trial is at the stage of recording of prosecution witnesses.

6. Considering the hereinabove made submissions, especially the fact that (i) neither the petitioner has been named in the FIR, nor any

specific role or injury has been attributed to him; (ii) the petitioner has clean antecedents, as he is not involved in any other criminal case; (iii) the petitioner, as is evident from custody certificate dated 25.02.2024, he has undergone actual custody of approximately 11 months and 12 days as on today (iii) the trial is moving at a snail's pace and is not likely to conclude anytime soon and the fact that the co-accused, namely, Deepak has already been granted the relief of regular bail by this Court vide order dated 5.2.2024 passed in CRM-M-40994-2023 (Annexure P-2), this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

February 26, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No