

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-10222-2024
Date of Decision: 04.03.2024

Keshav and another Petitioners

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Parveen Gaur, Advocate,
for the petitioners.

Mr. Narinder Behgal, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case bearing FIR No.292 dated 02.06.2023, under Sections 379-A, 201 & 34 IPC (during investigation Section 201 IPC has been added), registered at Police Station Krishna Gate, Thanesar District Kurukshetra.
2. It has been submitted by learned counsel for the petitioners that both the petitioners are in custody from 23.07.2023, which is more than 7 months. He further submitted that as per the allegations contained in the FIR, the complainant, namely, Aman gave a complaint to the police that three persons came on motorcycle and they snatched one mobile phone, Rs.6,000/- and also his shoes and thereafter, they fled away. He further submitted that the investigation of the case has already been completed and

even the complainant has also been examined, who has not supported the prosecution version and has been declared hostile. He also submitted that both the petitioners have clean antecedents and are not involved in any other case and even otherwise also, now the investigation of the case is completed, no useful purpose will be served in case the further custody of the petitioners is continued.

3. On the other hand, Mr. Narinder Behgal, learned AAG, Haryana submitted that it is correct that both the petitioners are in custody for more than 7 months and it is also correct that both the petitioners have clean antecedents and are not involved in any other case. He further submitted that now 5 out of 15 prosecution witnesses have already been examined including the complainant. He submitted that so far as the complainant turning hostile is concerned, his statement is attached as Annexure P-2.

4. I have heard the learned counsels for the parties.

5. As per the learned counsel for the parties, the petitioners are in custody for more than 7 months and have clean antecedents and are not involved in any other case. Investigation of the case has already been completed and as per Annexure P-2, the complainant has not supported the prosecution version and has been declared hostile. Furthermore, it is neither the case of the State nor it has been so argued by the learned State counsel that in case the petitioners are released on bail then they may abscond or flee from justice or may repeat the offence. Therefore, considering the aforesaid totality of the circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioners.

6. Consequently, the present petition is allowed and the petitioners are ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

04.03.2024
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |