

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-14028-2024

Date of Decision : March 22, 2024

SAGAR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms.Shweta Bawa, 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 dated 26.02.2023, during night hours, her son Rahul was coming to meet her at Krishna Colony, *via* AC Nagar Vegetable Market. While coming, four boys snatched ₹8,000/-, and a mobile phone from her son, and also caused injuries to him, with broken bottle of liquor. The name of the assailants were stated therein, to be Sagar (present petitioner), 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 already suffered incarceration of more than 1 year, as on today, and the *challan* in the present FIR has already been presented on dated 14.03.2024.

4. He further submits that the petitioner, who has been languishing behind bars since 14.03.2023, and has clean antecedents, as he is not involved in any other criminal case, therefore, he deserves the concession of regular bail.

5. He submits that the co-accused, namely, Deepak, Anmol and Karan, have already been granted the relief of regular bail by this Court vide orders dated 05.02.2024, 26.02.2024 and 07.03.2024, passed in CRM-M-40994-2023, CRM-M-8299-2024 and CRM-M-11227-2024, respectively.

6. Notice of motion.

7. Mr.Abhinash Jain, DAG, Haryana, accepts notice on behalf of respondent-State, and he vehemently opposes the grant of regular bail to the petitioner, however, he does not dispute the factum *qua* period of incarceration suffered by the petitioner i.e. of 01 year and 9 days, as also the factum *qua* clean antecedents of the petitioner, as per the custody certificate. 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 concerned on 10.08.2023, and the trial is at the stage of recording of prosecution witnesses.

8. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

9. Considering the submissions made hereinabove, especially the fact that (i) though the present petitioner is stated to be the main accused, who has caused injuries to the victim, with a liquor bottle, and the injuries so suffered by him are stated to be grievous in nature, but not dangerous to his life; (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, he has undergone actual custody of 01 year and 9 days, as on today (iv) 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, Anmol and Karan have already been granted the relief of regular bail by this Court vide orders (*supra*), this Court deems it fit and 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.

10. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

11. It is made clear that anything observed here-in-above shall

have no effect on the merits of the case and is meant for deciding the present petition only.

March 22, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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