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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-15881-2024
Date of decision:-02.07.2024

ARBAJ

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Sunita Gupta, Advocate and
Mr. Vipul Aggarwal, Advocate for the petitioner.

Mr. Ramender Singh Chouhan, AAG, Haryana.

Learned State counsel has filed status report dated 27.06.2024 by way of an affidavit of Deputy Superintendent of Police, Firozpur Jhirka, District Nuh. The same is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
26	14.02.2022	379-A, 506, 34 IPC	Bicchor, District Nuh

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He



submits that the petitioner is in custody since 03.07.2023 and even during course of trial the witnesses have not supported the case of the prosecution. Moreover, the mobile phone recovered from the petitioner has been claimed by the complainant while appearing in the witness box as PW-1 to be not belonging to the complainant and even the IMEI number thereof is different from the phone of the complainant. He submits that conclusion of trial will take sufficient long time and the complainant while appearing as PW-1 (Annexure P-2) and the eye witness appeared as PW-2 (Annexure P-3) have not lent any support to the case of prosecution and as such he prays for grant of concession of regular bail to the petitioner.

3. *Per contra*, learned State counsel submits that the petitioner does not deserve concession of bail, however, admitted that the challan has since been presented in Court and during course of trial 5 witnesses out of 10 witnesses cited by the prosecution have been examined till date.

4. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the complaint of Dalbir Singh to the effect that on the fateful day when he along with his employee had gone to bus stop of Village Singar, then two youths came on a bike and asked him that they have been sent by one Sanjay Aggarwal to guide them to the location of hospital and accordingly they followed those youth on their motorcycle and on the way they snatched his mobile phone and purse containing ₹6000/- in cash. Accordingly FIR was registered and later the petitioner was arrested on 03.07.2023. It is not disputed that during course of trial the complainant while appearing as PW-1 and eye witness PW-2 have



not lent any support to the case of the prosecution. The complainant has even stated to the extent that the mobile phone recovered from the petitioner is not the mobile phone belonging to him and even the IMEI Number of the same does not match with his phone which was snatched by the assailants. In these circumstances, it is observed that no purpose would be served by detaining the petitioner further in custody as the conclusion of trial in the present case, to ascertain criminal liability, if any, of the petitioner will take sufficient long time.

5. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

02.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |