

S. No.219

2024:PHHC:050199

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

CRM-M-16868 of 2024

Date of Decision:15.04.2024

Sandeep Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. A.S. Dhaliwal, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.100 dated 27.02.2022 registered under Sections 379-B and 34 IPC at Police Station City Mandi Dabwali, District Sirsa.

2. This is his second petition. The earlier petition bearing CRM-M-1641 of 2023 filed by the petitioner was dismissed as withdrawn by this Court on 17.01.2023, copy of which is Annexure P.2.

3. Learned counsel submits that similar placed co-accused Rajni has already been allowed bail by this Court vide order dated 04.01.2024 (Annexure P.3) passed in CRM-M-54958 of 2023 (O&M)

4. As per prosecution allegations, complainant Murad Khan is a truck driver. After loading his truck No.RJ-07-GD-6348, he started his journey from a place in Gujarat on 24.02.2022 for coming to Mau Mandi (Punjab). On 27.02.2022, at about 11 PM – 1:15 AM, he was one kilometer away from Mandi Dabwali, when a woman gave him a signal to stop the truck. As he stopped the truck, two boys armed with danda and steel pipe came out of the bushes and caused injuries to him. One of the boys asked Rajni to snatch purse and mobile from the complainant. It is alleged that the said Rajni asked the petitioner to

caught hold of the complainant from his arms so that she can snatch the purse and mobile. It is alleged further that petitioner along with two others snatched the purse containing 5000/-, ATM card, Aadhar Card etc., after causing injuries to him.

5. FIR was registered. Necessary investigation was carried out. Challan has already been filed. Petitioner along with two others is now facing trial.

6. It is contended by learned counsel for the petitioner that co-accused Rajni has already been allowed bail; that petitioner is in custody for the last more than two years and that not even a single witness has been examined so far. Learned counsel also submits that bailable warrants against the witnesses are being issued by the trial Court who are not appearing.

7. Notice of motion.

8. Mr. Parveen Kumar Aggarwal, DAG, Haryana, accepts notice on behalf of the respondent- State.

9. Learned State Counsel has placed on record the custody certificate as per which petitioner is in custody for the last 2 years and 1 month and 11 days in this case, though he is involved in three more cases out of which his conviction was recorded in one case bearing FIR No.219 of 2019 dated 30.07.2019 registered at Police Station City Dabwali, Sirsa under Section 380/457 IPC.

10. However, it is conceded by learned State Counsel that case of the petitioner is on same footing as that of co-accused Rajni, who was allowed bail by this Court vide order dated 04.01.2024 (Annexure P.3) passed in CRM-M-54958 of 2023 (O&M).

11. As noticed above, petitioner is in custody for the last more than 02 years and 01 month. Not even a single witness has been examined so far and thus trial is likely to take long time to conclude.

12. Having regard to these circumstances, the involvement of the petitioner in other cases, cannot be a reason to decline him bail.

13. Having regard to all the afore-said facts and circumstances of the case, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

April 15, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No