

[231] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20447-2024
Date of Decision : 30.04.2024

Ricky ...Petitioner
Versus
State of HaryanaRespondent

Coram : HON’BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sandeep Saini, Advocate for the petitioner.
Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI, J. (ORAL)

[1] On the oral request of learned counsel for the petitioner, the offence under Section 201 IPC, is added in the head note, as well as in the prayer clause. Registry is directed to carry out the requisite corrections.

[2] This is the first petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.0195 dated 26.06.2023, registered under Sections 392 & 34 IPC, (Sections 397, 201 IPC, and under Sections 25, 54 and 59 of the Arms Act, were added later on), at Police Station Chappar, District Yamunanagar.

[3] The prosecution agency was set into motion on a statement made by complainant-Riku, wherein, he alleged that on dated 21.04.2023, at about 2.00 P.M., one person stopped him, and requested him that he required his mobile phone as he has to make phone at his home as he sustained injuries. When the complainant gave his mobile phone to him, that person started running away along with his phone. The complainant caught hold of him. In the meanwhile, two other persons armed with knife came out from

the nearby bushes, and threatened the complainant and thereupon all three

CRM-M-20447-2024

persons ran away from the spot alongwith his mobile phone. During investigation, on the basis of secret information, co-accused Shunty was apprehended, and he got recovered one mobile phone. On his disclosure statement, the names of two other accused namely Dushyant alias Ladi and present petitioner-Ricky were cropped up. Section 201 IPC, was also added, on account that the mobile SIM has also been destroyed. The petitioner was arrested in this case on dated 19.07.2023.

[4] Learned counsel for the petitioner would submit that infact, there is no incriminating evidence which can connect the present petitioner with the crime involved in the instant matter. He further submits that though the recovery of knife has been effected from the present petitioner, but that does not connect the present petitioner with the crime. There is only disclosure statement of the co-accused, the value of such disclosure statement is to be evaluated by the learned trial Court concerned, during the trial. He submits that though the petitioner is involved in two other cases of theft, however, those cases have been planted upon him, after his arrest in the instant FIR.

[5] Learned State Counsel on the other hand, has opposed the grant of regular bail and submits that the recovery of knife has been affected from the present petitioner, which infact, was used to threaten the complainant. He further placed on record the custody certificate issued by the Deputy Superintendent, District Prison, Yamuna Nagar, Haryana, which reflects that the petitioner has suffered incarceration about 09 months and 09 days as on

report has been submitted on dated 03.10.2023, and charges have been framed on dated 19.04.2024, whereas, the prosecution has cited total 09 witnesses, however, none has been examined so far.

[6] Be that as it may, considering the days of incarceration suffered by the petitioner, and further considering the fact that the trial is at initial stage, therefore, this Court can safely conclude that the conclusion of trial would take a long time, this Court deems it fit and appropriate to allow the instant petition.

[7] 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.

[8] 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.

(KULDEEP TIWARI)
JUDGE

30.04.2024
'R. Sharma'

Whether speaking/ reasoned : Yes/No
Whether reportable : Yes/No