

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

224

CRM-M-20751-2024

Date of decision: 01.05.2024

DUSHYANT @ LADDI

....Petitioner

Versus**STATE OF HARYANA**

...Respondent

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] 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 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 complaint made by one Riku, wherein, he alleges that on 21.04.2023 at about 2.00 P.M., one person stopped him, and requested him that he requires his mobile phone, as he has to make a phone call at his home, as he has sustained injuries. When the complainant gave his mobile phone to him, that person started running away, along with his mobile phone. The complainant caught hold of him, but in the meanwhile, two other persons armed with knife came out from the nearby bushes and threatened the complainant, and thereupon all the three 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 present petitioner Dushyant alias Ladi and Ricky were cropped up. Section 201 IPC was also added, on account of the fact that the mobile SIM has also been destroyed. The petitioner was arrested in this case on 22.11.2023.

[4] Learned counsel for the petitioner submits that there is no incriminating evidence, which can connect the petitioner with the instant crime. Learned counsel for the petitioner further submits that neither the petitioner was named in the present FIR, nor he was apprehended from the spot. Learned counsel for the petitioner also submits that the name of the petitioner has surfaced only on the disclosure statement of the co-accused, and the value of such disclosure statement is to be evaluated by the learned trial Court concerned during the trial. Learned counsel for the petitioner submits that no injuries has been attributed to the present petitioner.

[5] Per contra, the learned State counsel, who is in receipt of advance notice, has placed on record the custody certificate of the petitioner, as issued by the Deputy Superintendent, District Prison (Yamuna Nagar), Haryana. The same is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 05 months and 08 days, as on today. A perusal of the custody certificate further reveals that the petitioner is involved in three other criminal cases. Learned State counsel on instructions, imparted to him from the official respondent, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., has already been filed on 03.10.2023 and charges have been framed on 19.04.2024. Learned State counsel further submits that out of the total 09 prosecution witnesses cited in the final report, none has

been examined so far.

[6] Be that as it may, considering the days of incarceration suffered by the petitioner i.e. 05 months and 08 days, as on today, and also considering the fact that the trial is at an initial stage, therefore, this Court can safely conclude that the conclusion of trial would take a long time and the role of the present petitioner, 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.

01.05.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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