

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

236

CRM-M-27192-2024
Date of decision: 30.07.2024

WASEEM AIAS BHADDAL
Versus
STATE OF HARYANA

....Petitioner
...Respondent

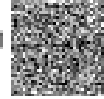
CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Mohd. Zeeshan Khan, Advocate for the petitioner.
Mr. Bhupender Singh, 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.514 dated 11.12.2023, under Section 379-A of IPC, (Sections 411 and 201 of IPC added later on) registered at Police Station Kherki Daula, District Gurugram.
2. The instant FIR was registered on a complaint made by one Hari Krishan, s/o Rajinder Singh, r/o Sikhopur, District Gurugram, wherein, he alleged that some unknown person has snatched his mobile phone, and ran away on a bike. The present petitioner after registration of the FIR (supra), was arrested on 17.12.2023, during investigation.
3. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

- (i) During the commission of offence of snatching, the petitioner did not cause any injury to the complainant;*
- (ii) The petitioner is on equal footing as that of his co-accused Juber Khan, who has already been granted the relief of regular bail by this*



Court in CRM-M-20000-2024, vide order dated 01.05.2024;

(iii) Petitioner has suffered incarceration of more than 07 months, as on today, and the charges have not been framed so far;

(iv) Out of the total 16 prosecution witnesses cited in the final report, none has been examined till date.

4. 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 (Gurugram), Haryana. The same is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 07 months and 10 days, as on today. A perusal of the custody certificate further reveals that the petitioner is involved in 07 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., had already been filed, but the charges are yet to be framed. Learned State counsel further submits that total 16 prosecution witnesses have been cited in the final report, but none has been examined so far.

5. This Court has examined the instant petition, and is of the considered opinion that the instant petition is amenable for being allowed.

6. The reason for forming the above inference emanates from the factum that:- (i) Co-accused of the petitioner has already been granted the relief of regular bail by this Court in CRM-M-20000-2024, vide order dated 01.05.2024; (ii) The petitioner has suffered incarceration of 07 months and 10 days, as on today; (iii) The final report under Section 173 Cr.P.C., had already been filed, but the charges are yet to be framed (iv) No fruitful purpose would be served by keeping the petitioner



behind the bars, (v) Trial is not likely to conclude anytime soon.

7. Considering the hereinabove made discussion, 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.

8. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

9. All pending application(s) stand **disposed** of accordingly.

30.07.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No