



CRM-M-29422-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-29422-2024
Date of decision: 08.08.2024

RajatPetitioner.

Versus

State of HaryanaRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sandeep Saini, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.
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SANJIV BERRY, J. (ORAL)

Custody certificate dated 06.08.2024 filed by learned State
counsel in Court today is taken on record.

2. Instant petition has been filed under Section 439 of the
Code of Criminal Procedure for grant of regular bail to the petitioner in
case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
0564	18.07.2023	148, 149, 323, 325, 341, 379-B, 306 IPC (306 IPC deleted and 506 added lateron)	Yamunanagar City, District Yamunanagar

3. Heard.

4. It is, *inter alia*, contended by learned counsel for the
petitioner that the petitioner is innocent and has been falsely implicated

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in this case by the complainant on account of the FIR No. 0193 dated 14.03.2023 registered under Section 379 IPC at Police Station City Yamuna Nagar, Haryana, at the instance of the petitioner. He contends that the petitioner is not involved in the occurrence but is in custody since 25.08.2023 and challan has already been presented in the Court and the conclusion of trial will take sufficient long time. Hence, he prays for grant of bail to the petitioner.

5. Per contra, learned State counsel referring to the reply dated 09.07.2024 submitted by the State has prayed for dismissal of the petition on the ground that the petitioner is involved in the heinous crime, however, he has admitted that challan in this case has already been presented in the Court and none of 15 witnesses cited by the prosecution has yet been examined by the learned Trial Court.

6. Considering the respective arguments and perusing the record, it transpires that the present case was registered by the complainant stating that on 16.07.2023 at about 9.30 P.M. he had gone on his motorcycle to Azad Nagar Chowk and while returning at about 10.30 P.M. a Safari car stopped in front of his motorcycle out of which Pankaj Baba and Rajat alighted and Pankaj Baba told him to settle the matter. In the meantime, Shubham Bindra driving another car bearing No. HR-02AT-1050 along with Shahrukh driving the Wagon-R car number HR-70C-8991 reached at the spot and caused injuries to the

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complainant with their respective weapons. The petitioner is alleged to have snatched the gold chain from the neck of the complainant.

7. The petitioner was arrested in this case on 25.08.2023 and after completion of investigation challan has already been presented in the concerned Court for trial; the prosecution cited 15 witnesses but none has been examined till date. As per the custody certificate, the petitioner is not having any other criminal case registered against him and no injury is attributed to the petitioner as well. The criminal liability of the petitioner could only be ascertained after the conclusion of trial which may take sufficient long time and no purpose would be served in detaining the petitioner in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

8. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.



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9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

10. Petition stands allowed.

11. Pending miscellaneous application, if any, also stands disposed of.

08.08.2024
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(SANJIV BERRY)
JUDGE

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