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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-30504-2024 (O&M)
Date of decision: 04.07.2024

Anil ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 706 dated 08.12.2023, registered under Sections 34, 341, 379-B of IPC (Sections 120-B, 412, 201 of IPC added later on) at Police Station Industrial Sector 29, Panipat.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint filed by the complainant Aman alleging therein that on 08.12.2023 at about 06:00 PM, when he was going to his village Sewah from Ujha Gate after completing the work in the factory, two young boys came on a motorcycle and stopped their motorcycle in front of e-rickshaw and got him down from the said e-rickshaw. The rider of the motorcycle gave helmet blow on his head and the pillion rider gave slaps to him and they snatched an amount of Rs. 20,000/- from his pocket and also snatched his gold chain, his mobile and fled away from the spot along with motorcycle. He prayed for

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taking action against the culprits. After registration of the FIR, the investigation proceedings were initiated. During investigation, co-accused Akshay was arrested on 18.02.2024. He suffered disclosure statement, on the basis of which, offence under Section 120-B IPC was added. Subsequently, the petitioner was also arrested on 18.02.2024 on the basis of the disclosure made by co-accused Akshay. During investigation, offences under Sections 412 and 201 of IPC were also added. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was present in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 06.06.2024.

3. The present petition has been filed by the petitioner on the ground and his counsel has argued that he has been falsely implicated in this case. The petitioner was in fact not named in the FIR nor he was present at the spot because as per own case of the prosecution, the two boys, who committed the subject offences, were Akshay and Sonu. The petitioner has been nominated in this case only on the basis of the disclosure made by the co-accused. He is in custody since 18.02.2024. The complainant, while appearing as witness before the trial Court, has not identified the petitioner as well as other co-accused as the persons, who committed the subject crime. The complainant has categorically stated that he was not having any mobile phone on the fateful day and the alleged mobile phone, recovered from the petitioner, was not belonging to him. Trial is likely to take time. No useful

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purpose would be served by keeping the petitioner in custody anymore. Hence, it is prayed that the present petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner. He, in criminal conspiracy with other co-accused, had snatched a mobile phone as well as an amount of Rs. 20,000/- from the complainant while he was coming back from his workplace. In pursuance of the arrest of the petitioner, a mobile phone, which snatched from the complainant, was recovered from his residence. There is nothing on record to show that there would be any undue delay in conclusion of trial. Therefore, he has argued that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties and have also gone through the material placed on record very carefully.

6. The petitioner, in criminal conspiracy with co-accused, is alleged to have snatched an amount of Rs. 20,000/- as well as a mobile phone from the complainant. He was not named in the FIR. Rather, his name surfaced in this case on the basis of the disclosure made by co-accused Akshay. The petitioner has placed on record copy of sworn testimony of the complainant, who appeared as PW-1, a perusal of which shows that the complainant has not identified the petitioner as the person who snatched his mobile phone as well as cash amount. Rather, he is shown to have stated that he was not having any mobile phone on the day of occurrence. The petitioner is in custody since 18.02.2024. Trial is likely to take time. Keeping in view the circumstances emanating from the record, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore.

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7.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
8.

It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

04.07.2024

(MANISHA BATRA)

Waseem Ansari

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>