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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31457-2024
Date of Decision: 23.10.2024

Aakash
...Petitioner

Versus

State of Haryana
...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:-. Mr. Mohit, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG Haryana

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.10 dated 12.01.2024, under Section 379-A, 34 IPC registered at Police Station Civil Lines, Hisar, District Hisar (Haryana).

2. The facts of the present case are that above-mentioned F.I.R. has been registered on the basis of written complaint of Krina - complainant. The complainant alleged that at about 3.00 p.m. on 12.01.2024, she along with her brother Karan aged about 13 years were going on foot and when they reached near Community Centre, Kaimri Road, Hisar, two boys came on a motor-cycle and snatched her mobile phone and fled away.

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3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case and the mobile phone recovered was planted upon him by the police authorities. The petitioner was arrested on 13.01.2024 and since then he is in judicial custody. The petitioner has been in custody for 09 months and 10 days and there are three more cases registered against him, in which he is on bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 09 months and 10 days and there are three more cases pending against him. Learned State counsel on instructions from ASI Vinod submits that the charges in the present case were framed on 25.04.2024 and out of 11 prosecution witnesses, 02 prosecution witnesses have been examined. He, however, submits that there are serious allegations against the petitioner and he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, investigation is complete and out of 11 prosecution witnesses, 02 prosecution witnesses have been examined. The petitioner has undergone actual custody of 09 months and 10 days. Therefore, this Court is of the view that further incarceration of the petitioner would not serve any purpose.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be



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released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

23.10.2024
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No