

CRM-M-32552-2024 (O & M)

2024.PHHC:143366



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(203) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32552-2024 (O & M)
Date of Decision: 05.11.2024

Jitender @ Bhantu

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. S.S. Nain, Advocate, for the petitioner.

Mr. Ashok Singh Chaudhary, Addl.A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in this third petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.49 dated 22.02.2020 under Sections 307, 379-B, 201, 397 and 34 IPC and Sections 25-54-59 of the Arms Act, 1959 registered at Police Station Sector 13/17, District Panipat.

2. The present FIR came to be registered at the instance of Ritesh Chahal and reads as under:-

"To, The SHO, Police Station Sector 13-17, Panipat, Panipat. Sir, it is prayed that I Dr. Ritesh Chahal, son of Sh. Hawa Singh Chahal, resident of E-2/7, Sector-6, Part-2, Eldeco City, Panipat. Today about 5.25 pm I on my white colour Duster Car HR- 06-AU-9073 went to a shop situated near Sector-18 G.T. Road for puncture. While puncture repairing when I was looking at tyre, then suddenly 3-4 boys attacked me and trying to snatch my car key but upon my resistance they, from their weapons, gave shot



three fire upon me from which I suffered no injuries and they forcefully snatched my mobile phone VIVO V-5 SIM No.9416816862 and 9467018186 and ran away with my phone and Duster car. Nearby people gathered on the spot and I went to nearby CIA Police Station for help and CIA Staff along with me in their car searched my car but till now neither car nor those persons who snatched my car were traced out. Kindly take legal action against above mentioned unknown person and my car and mobile phone my kindly be traced out. Thank you. Sd/- Complainant Ritesh Chahal”.

3. During the course of investigation, the petitioner and his co-accused came to be apprehended.

4. The learned counsel for the petitioner contends that the co-accused of the petitioner, namely, Viren, Dinesh, Aman @ Boxer and Rahul @ Dabbas had been granted the concession of bail by this Court vide orders dated 06.08.2020, 29.06.2021, 24.05.2022 and 01.08.2022 (Annexures P-2 to P-5 respectively). The complainant was examined as PW-3 and did not support the prosecution case. As the petitioner was in custody since 16.03.2022 and only 07 out of the 25 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

5. The learned counsel for the State, on the other hand, has filed a status report dated 28.10.2024 which is taken on record. While referring to the said report, he contends that the petitioner was an accused in as many as 11 other cases. Therefore, his antecedents did not entitle him to the concession as prayed for. He, however, concedes that the petitioner was in



custody since 16.03.2022, only 07 out of the 25 prosecution witnesses had been examined so far, four co-accused of the petitioner had been granted the concession of bail and that the complainant-PW-3/Ritesh Chahal had not supported the prosecution case.

6. I have heard the learned counsel for the parties.

7. Admittedly, the complainant-PW-3 has not supported the version of the prosecution. Whether the remaining evidence is sufficient to establish the culpability of the petitioner shall be adjudicated upon during the course of the Trial. The petitioner is in custody since 16.03.2022 but only 07 out of the 25 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required even though, he is a habitual offender.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Jitender @ Bhanu is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime/case(s) other than the case(s) referred to in the status report dated 28.10.2024.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of

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the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 05, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No