

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CRM-M-34287-2024 (O&M)
Date of Decision:- 18.09.2024

SACHIN

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Sanawar Ali, Advocate for the petitioner.
Mr. Surender Singh, AAG Haryana.

SANJIV BERRY, J. (ORAL)

CRM-28535-2024

Allowed as prayed for.

CRM-M-34287-2024

1. Reply dated 20.08.2024 filed in the form of an affidavit of Assistant Commissioner of Police, Rai, Sonipat is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

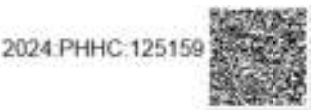
FIR No.	Dated	Sections	Police Station
834	21.11.2023	25 of the Arms Act, 1959; 379-B and 34 IPC	Kundli, District Sonipat, Haryana



4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner is in custody since 10.01.2024 and there is no other case registered against the petitioner. He further contends that except for participation in the alleged, crime along with co-accused, no specific overt act is attributed to the petitioner. He submits that after the completion of investigation, challan has been presented in Court. He further submits that the conclusion of trial is likely to take sufficient long time as the prosecution has cited 10 witnesses and none has been examined till date. Thus, prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the reply submitted by the State has opposed the grant of bail to the petitioner and submits that the recovery of the mobile phone along with ₹1,200/- has been effected from the petitioner. He has, however, not controverted the fact that petitioner is not involved in any other case.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution, the accused persons in furtherance of their common intention snatched ₹40,000/- and mobile phone from the complainant. During the course of investigation, co-accused Savej and petitioner were arrested. Allegedly, the petitioner got recovered the snatched mobile phone along with ₹1,200/-. As stated by learned counsel for the petitioner, admittedly, no other case is registered against the petitioner and he is in custody since 10.01.2024. After the completion of investigation,



challan has already been presented in the Court and none out of 10 prosecution witnesses has been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

18.09.2024
S.Sharma(syr)

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