

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CRM-M-40994-2023
Date of Decision : February 05, 2024

DEEPAK -PETITIONER

V/S

STATE OF HARYANA -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gursevak Singh, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.148 dated 01.03.2023, under Sections 323, 324, 34, 379-B of the IPC, registered at P.S. Faridabad Kotwali, District Faridabad.
2. Succinctly stated, the genesis of the prosecution case is embodied in the complaint made by one Kamlesh wife of Virender, alleging therein that, on 26.02.2023, during night hours, her son Rahul was coming to meet her at Krishna Colony, via AC Nagar Sabzi Mandi. Then four boys snatched Rs.8000/- and the mobile phone of her son and also caused injuries on his person with broken bottle of liquor. The name of the assailants were stated therein to be one Sagar, brother of Sagar, brother-in-law (jija) of Sagar and one Bihari.
3. The learned counsel for the petitioner, in his asking for the relief (supra), submits that the petitioner has not been nominated as an

accused in the present FIR, rather he has been arrayed as an accused during police investigation, and that too, on the basis of disclosure statement of co-accused. Except the disclosure statement of co-accused, neither the investigating agency is seized of any incriminating evidence against the petitioner, nor any recovery has been effected from him.

4. Lastly, the learned counsel for the petitioner submits that the petitioner, who has been languishing behind bars since March 2023, has clean antecedents, as he is not involved in any other criminal case, therefore, he deserves the concession of regular bail.

5. *Per contra*, the learned State counsel, though vehemently opposes the grant of regular bail to the petitioner, however, he does not contests the factum *qua* period of incarceration suffered by the petitioner, as also the factum *qua* clean antecedents of the petitioner. Moreover, on instruction imparted to him by S.I. Ishwer Singh, he informs this Court that charges have already been framed by the learned trial Court on 10.08.2023, however, no prosecution witness, out of total 20 prosecution witnesses, has yet been examined.

6. Considering the hereinabove made submissions, especially the fact that (i) neither the petitioner has been named in the FIR, nor any specific role or injury has been attributed to him; (ii) the petitioner has clean antecedents, as he is not involved in any other criminal case; (iii) the petitioner, as is evident from custody certificate dated 24.01.2024, has undergone actual custody of approx. 10½ months; (iii) the trial is moving at a snail's pace and is not likely to conclude anytime soon, as none of the prosecution witnesses has yet been examined, this Court deems it

appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

February 05, 2024
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(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No