

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.57576 of 2023 (O&M)
Date of Decision: 31.01.2024

Sikander

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.684 dated 08.09.2022, under Sections 379-B, 201 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station, Rohtak City, District Rohtak.

(2) Above FIR was registered on the basis of statement made by complainant-Sandeep Kumar to the effect that on 27.05.2022, when nephew of the petitioner, namely, Pawan was returning home, then two motorcyclists snatched his mobile phone on the point of knife. During investigation, petitioner was arrested; an amount of Rs.500/- as sale proceeds of the snatched mobile phone and a knife, which was used in the commission of crime, were recovered from him.

(3) This Court, on 21.11.2023, granted interim bail to the petitioner in following manner:-

“Contends that petitioner is in custody since 31.01.2023 and there is a delay of more than three months in registration of the FIR. Also contends that out of total 16 witnesses only 02 have been examined till date and trial is pending for 13.01.2024.

Learned State counsel seeks time to have instructions in the matter.

Posted for 31.01.2024.

In the meantime, petitioner is ordered to be released on interim bail in the present case till the next date of hearing on furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

(4) Learned Counsel for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before the Court below and there is no apprehension or allegation that he is likely to misuse the concession of bail in any manner.

(5) Learned State Counsel on instructions from A.S.I. Ashok has acknowledged the above factual position.

(6) Heard both sides and perused the paper-book.

(7) Keeping in view the facts that petitioner is fully cooperating before the Court below and there is no allegation that in case he is granted bail pending trial, he will misuse the concession in any manner; thus, in such a scenario, sending him in custody at this stage would not serve any purpose.

(8) Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 21.11.2023, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

- (9) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
- (10) The above observations may not be construed as an expression of opinion on the merits of the case.
- (11) It is clarified that in case there is any misuse of concession of bail on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (12) Disposed off accordingly.
- (13) Pending application(s), if any, shall also stand disposed off.

31st January, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No