

254 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58948-2023

Decided on:-08.01.2024

Rajbir @ Chhotu

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Sumit S. Bairagi, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.165, dated 28.04.2023, registered under Section 34, 379-B IPC, at Police Station Madhuban, District Karnal (Haryana).

2. In the present case, the petitioner has been implicated with the allegations of having snatched cash of Rs.8000/- from the complainant, who happened to be an Ice-cream vendor.

3. Learned counsel for the petitioner on instructions submits that in order to show his *bona fide*, the petitioner is even ready to deposit a sum of Rs.20,000/- non-refundable with the Trial Court without prejudice to his rights in the trial.

4. On the other hand, prayer made herein has been opposed at the instance of learned State counsel while submitting that the petitioner is

involved in other cases as well and thus, considering his antecedents, he does not deserve the concession of bail.

5. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

6. In the present case, petitioner is behind the bars for the last more than 8 months by now and the investigation in the present case already stands concluded with the filing of challan, followed by framing of charges and so far only two prosecution witnesses have been examined out of total of 10 witnesses and thus, trial is likely to take some time. Moreover, the petitioner is even ready to compensate the complainant. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

7. 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 released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. The aforesaid amount of Rs.20,000/-, which is non-refundable as volunteered by learned counsel for the petitioner shall be deposited by the petitioner at the time of submissions of his bail bonds before the Trial Court/Duty Magistrate, which shall be released to the complainant upon verification.

8. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

08.01.2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No