

CRM-M-64161-2023 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-64161-2023 (O&M)
Date of Decision:-12.01.2024

Naveen

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sandeep Tanwar, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition has been filed for grant of regular bail to the petitioner in case FIR No. 385 dated 30.08.2023 under Sections 379-A read with Section 34 of the Indian Penal Code, (Sections 379 and 411 of IPC added later on), registered at Police Station Old Sabzi mandi, Rohtak, District Rohtak, Haryana (Annexure P-1).
2. Learned counsel for the petitioner has submitted that all the allegations in the FIR are false and concocted and are rather self-contradictory. It is submitted by learned counsel for the petitioner that as per the FIR two motor cyclists with muffled face snatched the purse of the complainant and the petitioner was entangled without any test identification parade.
3. Custody certificate of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions, according to which, the petitioner is in custody for last 04 months.

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4. Learned State counsel has controverted the grant of any concession to the petitioner on the ground that the antecedents of the petitioner are not clean as there are three more FIRs against the petitioner and more so, the recovery was also effected from the petitioner.

5. However, considering the fact that the petitioner is in custody for more than 04 months and the fact that the trial is likely to take long time, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to grant the concession of regular bail.

6. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
4. The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

7. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

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8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

9. Pending miscellaneous application, if any, also stands disposed of.

12.01.2024

Parul

Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No

(ALOK JAIN)

JUDGE