

2025:PHHC:091278



232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10659-2025
Date of Decision: 23.07.2025

Aabid ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Imtiyaz Hussain, Advocate
for the petitioner(s).

Ms. Diya Sodhi, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present 2nd petition praying for granting regular bail in case FIR No.83 dated 10.02.2024 under Section 379-A of IPC, 1860 registered at Police Station Saran, District Faridabad (Annexure P-1).

2. Succinctly, facts of the case are that FIR in the present case was registered on the statement of complainant Shubham Kumar Jain. It was alleged therein that on 08.02.2024 at about 07:55 PM, when he was walking from Nain Chowk towards Air Force Station, then in the meantime, two unknown persons riding on the bike came there and they snatched his phone. Though, he made an attempt to chase them but he failed to nab them. A request was made to take legal action against the culprits. On registration of the FIR, the investigation commenced. During investigation, complicity of the petitioner surfaced and thus, he was arrested on 22.03.2024. On completion of the investigation, the challan was presented. On framing of charges, the trial commenced. The petitioner

approached the Court of learned Additional Sessions Judge, Faridabad praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 10.02.2025 (Annexure P-2). Thereafter, he approached this Court by way of filing petition CRM-M-37140-2024 (Annexure P-3), which was dismissed as withdrawn on 07.08.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present 2nd petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously roped in the present case. It has been submitted by the learned counsel for the petitioner that neither the petitioner was named in the FIR nor he has committed any offence, however, during investigation he has been implicated in the present case on the basis of the presumption and assumption. He submits that the petitioner is behind bars since the date of his arrest i.e. 22.03.2024. He submits that the complainant has already been examined in the present case. He, thus, submits that in view of the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. She submits that both the accused involved in the present case were arrested during investigation and recovery of the snatched mobile phone was effected from the petitioner. She submits that in all there are 15 prosecution witnesses, out of them only 02 witnesses have been examined including the complainant. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on 22.03.2024. Out of total 15 prosecution witnesses, 02 have been examined so far. Victim-complainant has also been examined. The custody certificate would reflect that the petitioner has

suffered incarceration of 01 year, 04 months & 01 day as on 22.07.2025. It further reflects that the petitioner has no criminal antecedents. Custody certificate further shows that he is involved in another case, however, he is just witness in that case.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, 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 concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

23.07.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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