



CRM-M-17627-2025

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**235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-17627-2025

Date of Decision: 04.04.2025

Dalip @ Akash @ Diwana

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms.Shalini Atri, Advocate, for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.237 dated 06.09.2023 under Sections 379-A, 511 IPC, registered at Police Station Civil Lines, Rohtak, District Rohtak.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant Akash. It was alleged that on 05.09.2023, when he reached near Mansarovar Park, two boys came on motorcycle from behind and the pillion rider tried to snatch his mobile phone, however, he followed the motorcycle upto 50 meters and caught hold the pillion rider. The driver of the motorcycle managed to flee away with the motorcycle. He informed the police on helpline No.100. The police came and request was made to take legal action against the accused. The petitioner was arrested on spot. The FIR was registered and investigation commenced. The petitioner approached the Court of learned Sessions Judge, Rohtak 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 01.04.2024. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the



present petition.

3. It has been contended by learned counsel for the petitioner that the petitioner is behind bars since the date of his arrest. She submits that recovery as alleged is also a planted one on the petitioner. She submits that the investigation is already complete, challan is presented and thereafter, on framing of charges, all the material witnesses, including the complainant, already stand examined. She, thus, submits that keeping in view the facts and circumstances of the case, the petitioner be granted bail as there are no probabilities of the petitioner tampering with the prosecution witnesses as the material witnesses already stand examined.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was caught on the spot itself while committing the offence. He has submitted that challan has been presented and charges have been framed, however, out of total 10 prosecution witnesses, four witnesses have already been examined so far. He has placed on record the custody certificate of the petitioner and has submitted that the petitioner is involved in other cases, thus, he does not deserves to be granted bail.

5. After hearing counsel for the parties and perusing the record, it is inferred that the petitioner was arrested on the spot. As submitted before this Court all the material witnesses including the complainant already stands examined. The custody certificate would reflect that he has suffered incarceration of 01 year, 04 months & 26 days as on 03.04.2025. Though the petitioner is involved in other cases as well, however, keeping in view the custody of the petitioner, he deserves to be enlarged on bail. Out of total 10



prosecution witnesses, 04 witnesses have been examined.

6. 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. Keeping in view the arguments raised by both the sides and perusing the record, 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.

7. 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.

8. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

04.04.2025

sharmila

Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No