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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 37393-2024 (O&M)
Date of decision:-08.04.2025

AFJAL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Saksham Khunger , Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 07.04.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for grant of regular bail in the following case(Annexure P-1):-

FIR No.	Dated	Sections	Police Station
441	31.10.2023	379-A, 420, 511, 34 IPC	Sadar Tauru

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on the alleged disclosure statement of Tofik with whom the petitioner has no



concern. He contends that the allegations levelled by the complainant are not being established with the investigation as the mobile phone alleged to have been snatched from the complainant is of different make from that allegedly recovered in the present case from the petitioner. He contends that the petitioner is in custody since 01.05.2024, and after completion of investigation, challan has already been presented in Court and the conclusion thereof, will take long time, hence prayed for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that considering serious nature and gravity of offence petitioner is not entitled to concession of bail. However he has not disputed the fact that after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 11 witnesses and till date only 3 witnesses have been examined.

6. After considering the rival contentions and perusing the record, it is observed that the petitioner after being nominated in the present case by co-accused Tofik has been arrested on 01.05.2024 since then he is in custody and one mobile phone is allegedly been recovered from him. The question as to whether the said mobile phone is the same which the complainant alleged to have been snatched from him or not, is a matter of trial to be ascertained by the learned trial Court. After completion of investigation, challan has already been presented in Court, wherein prosecution has cited 11 witnesses and till date only 3 have been examined. Therefore, the



conclusion of trial, to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner any longer in custody.

7. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

08.04.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |