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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44912-2024 (O&M)

Date of Decision: 30.01.2025

Gagan

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. H.P.S. Ishar, Advocate, for the petitioner.
(Through Video Conferencing).

Mr. Surinder Kumar Dagar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 483 of BNSS for grant of regular bail to the petitioner in FIR No.398 dated 26.05.2022, under Sections 392, 120-B, 412, 201 IPC and Sections 25 and 29A of Arms Act, registered at Police Station City Hisar, District Hisar.

2. Learned counsel for the petitioner who has joined through video conferencing has submitted that the petitioner is in custody for 2 years, 6 months and 5 days and as per the allegations, the petitioner alongwith the other co-accused had come on a motorcycle and he had snatched a mobile phone from the complainant on a gun point. He submitted that there had been a recovery of one motorcycle and only Rs. 1,000/- from the petitioner. He submitted that the petitioner has been falsely implicated in the present case because he was earlier involved in number of other cases and



submitted that only three prosecution witnesses have been examined. He also submitted that there had been a delay in trial because of the pendency of an application for alteration of charge. He submitted that considering the aforesaid long custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Surinder Kumar Dagar, learned DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that only three prosecution witnesses have been examined in the present case.

4. I have heard the learned counsels for the parties.

5. The petitioner has already faced incarceration for 2 years, 6 months and 5 days and as per the learned counsel for the parties, only three prosecution witnesses have been examined and an application for alteration of charge is still pending. The allegations in the present case were pertaining to snatching of one mobile phone and Rs. 1,000/-. The mere fact that the petitioner is involved in some other cases cannot become a ground for denial of bail to the petitioner.

6. In view of the aforesaid facts and circumstances and especially the long custody of the petitioner, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court /Duty Magistrate concerned, if not required in any other case.



an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

30.01.2025

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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