

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

209

CRM-M-24419-2021

Date of Decision : July 06, 2021

VISHAL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Rahul Makkar, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.506 dated 24.10.2020 under Sections 379-B, 411, 34 IPC registered at Police Station City, Bahadurgarh.

The learned counsel for the petitioner has submitted that although this is a successive bail application but now the complainant has been examined as PW2 but this fact was not brought to the notice of this Court by the earlier counsel and the matter was dismissed as withdrawn on 27.4.2021. Further, learned counsel for the petitioner has submitted that as per the FIR, two persons came on motor cycle and snatched the mobile phone from the complainant causing him to fall down on the ground after which he was caught on the spot. He submitted that when

the complainant, namely, Arun Gayatri deposed before the learned trial Court as PW2 vide Annexure P-3, he stated that all the accused persons, who are present in the Court, were not the same persons, who had snatched the mobile from him. Learned counsel submitted that the petitioner is in custody since 24.10.2020 and the present case has been planted upon the petitioner. He has prayed for the grant of regular bail to the petitioner.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody since 24.10.2020 and the complainant has already been examined in which he has stated that the accused persons were not the same persons, who had snatched the mobile phone from him. He has further submitted that the petitioner is involved in another case pertaining to Arms Act and, therefore, opposed the grant of regular bail to the petitioner.

I have heard learned counsel for the parties.

The custody period of the petitioner is not disputed. It is also not disputed that the material witness i.e. complainant has already been examined, who has stated before the learned trial Court that the petitioner was not the same person, who has snatched the mobile phone from from him. So far as the pendency of another case against the petitioner pertaining to the Arms Act is concerned, the same would certainly be no ground for denial of bail to the petitioner. Furthermore, it is not a case of the State that in case the petitioner is released on bail then he may tamper with the evidence or influence the witnesses or flee from justice.

Therefore, considering the totality of the facts and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

(JASGURPREET SINGH PURI)
JUDGE

July 06, 2021
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No



सत्यमेव जयते

