

(220)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18249-2025

Date of Decision: 20.08.2025

DALIP ALIAS AKASH ALIAS DIWANA

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. Viney Phogat, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.322 dated 06.09.2023 registered under Sections 379-A, 34 IPC at Police Station Arya Nagar, Rohtak, District Rohtak.

2. The present FIR came to be registered at the instance of Pankaj S/o Shri Ram Parkash and the same reads as under:-

“To the SHO, Police Station Arya Nagar, Rohtak. Sir, it is requested that I Pankaj son of Shri Ram Parkash am resident of House No. 254, Ward No. Old Housing Board, I had come at night of 05.2023 Old ITI near Shri Balak Nath Park and taking a call on phone at about 09:30 PM two boys whose name and address not known came on Splender bike and snatched mobile phone from my hands and fled away. I have mobile phone marka Realme IMEI No. 86092005355699789. My mobile phone may be recovered after search of accused persons and appropriate action may be taken against accused persons. I can identify them if brought before me. Sd/- Pankaj Kumar 9215656210. Dated 06.09.2023.”

3. During the course of the investigation, the petitioner was nominated as an accused in the instant case.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Pursuant to his arrest, no recovery has been effected from him. As the petitioner is in custody since 07.09.2023 but only 07 of the 16 prosecution witnesses have been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, the petitioner is entitled to the grant of bail.

5. On the other hand, the learned counsel for the State contends that the petitioner is a habitual offender with three other cases of a similar nature pending against him. The recovery of a mobile phone came to be effected from co-accused Suraj Kumar. The nature of the allegations and the antecedents of the petitioner do not entitle him to the concession of bail. He, however, concedes that the petitioner is in custody since 07.09.2023 but only 07 of the 16 prosecution witnesses have been examined so far.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 07.09.2023 but only 07 of the 16 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and petitioner-Dalip @ Akash @ Diwana S/o Suresh Kumar is ordered to be released on bail subject to his furnishing bail bonds

and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in the custody certificate dated 19.08.2025.

10. In addition the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.08.2025

JITESH

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