

Kapil *Versus* State of Haryana

CNR No. HRPL01008474-2023

CIS No.BA-2176-2023

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HRPL010084742023



Presented on : 15-09-2023
Registered on : 15-09-2023
Decided on : 20-09-2023
Duration : 0 years, 0 months, 5 days

IN THE COURT OF
Additional District and Sessions Judge
AT Palwal,Palwal
(Presided Over by Sh.Abhishek Phutela)

BA/2176/2023

Case Type	Bail application
Institution Number	695 of 15.09.2023
CNR Number.	HRPL01-008474-2023
CIS Number	BA- 2176-2023
Date of Order	20.09.2023

Kapil son of Sh. Bacchu Singh, aged about 27 years, Resident of village Deeghot, Teshil Hodal, District Palwal, Haryana.

.....Applicant-accused

Versus.

State of Haryana

.....Respondent.

F.I.R. No.	:	262 dated 12.8.2022
Under Sections(s)	:	379-A IPC
Police Station	:	Sadar, District Palwal.

(Abhishek Phutela)
Addl.Sessions Judge,
Palwal, (UID No. HR0220)
20.09.2023

**FIRST APPLICATION FOR BAIL UNDER
SECTION 439 OF THE CODE OF CRIMINAL
PROCEDURE,1973.**

Argued by: Shri Jag Parvesh, Advocate for applicant/accused.

Shri Sandeep Lamba,Public Prosecutor for the State

ASI Naresh Kumar, Investigating Officer

ORDER

This is to dispose of first bail application under Section 439 of the Code of Criminal Procedure, 1973(for short, “the Cr.PC”) filed on behalf of applicant-accused Kapil in case arising out of the FIR No.262 dated 12.8.2022 under Sections 379-A of the Indian Penal Code,1860, Police Station Sadar, District Palwal.

2. Tersely put, the FIR was registered upon the complaint of Chanderveer who alleged that on 11.8.2022 at around 04.00 p.m four young boys came on a motorcycle and snatched his mobile phone and currency notes amounting to Rs.1200/-. Action was sought in the matter. FIR was registered. Investigation was carried out, after which the challan was filed against three accused persons namely Kapil, Abhay and Arun.

3. In this first bail application, applicant has contended that he has been falsely implicated. He is in judicial custody since 17.8.2022. That no test identification parade was conducted. That the FIR was registered after a delay of one day. The younger brother of the applicant

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has recently expired on 23.7.2023. That trial is likely to take a long time.

4. In response, ASI Naresh Kumar has filed the reply to oppose the bail application on the ground that applicant-accused is a habitual offender and may commit a similar offence. That the applicant-accused is previously involved in 23 other criminal cases.

5. I have heard the arguments advanced by the learned counsel for applicant-accused and the learned Public Prosecutor for the State as well as the Investigating officer.

6. The applicant-accused is in custody since 17.8.2022. During trial five prosecution witnesses including the complainant have been examined. The remaining prosecution witnesses are either police officials or other public servants. No apprehension has been expressed in the reply to the bail application that upon release on bail the accused may influence such witnesses. There are no circumstances before this Court to resort to the exception of refusal of bail. The conclusion of the trial is likely to take a long time. No useful purpose will be served by keeping the applicant-accused in judicial custody.

7. For the aforesaid reasons, the first bail application under Section 439 CrPC filed on behalf of applicant-accused Kapil is hereby allowed and it is ordered that the applicant Kapil be released from

(Abhishek Phutela)
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custody in this case on furnishing bail bonds in a sum of Rs.1,00,000/- with one local surety (having immovable property) in the like amount to the satisfaction of this Court.

8. No expression of this Court shall be construed to be an opinion upon the merits of the case.

9. Papers be tagged with main case file bearing CIS No. SC 461 of 2022.

**Announced in open Court
20.09.2023**

**(Abhishek Phutela)
Additional Sessions Judge,
Palwal, (UID No.HR0220)**

Santosh Kumari, Stenographer Gr.I

Note:- Certified that all the pages of this order have been checked and signed by me.

**(Abhishek Phutela)
Additional Sessions Judge,
Palwal, (UID No.HR0220)
20.09.2023**

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Present:- Shri Jag Parvesh Advocate for applicant/accused.
Shri Sandeep Lamba,Public Prosecutor for the State
SI Naresh Kumar, Investigating Officer

Reply filed. Copy supplied. Arguments heard.

Vide separate order of even date, the ninth bail application under Section 439 Cr.PC filed on behalf of ***applicant-accused Kapil stands allowed.*** Papers be tagged with main case file bearing CIS No. SC 461 of 2022.

Announced in open Court
20.09.2023

(Abhishek Phutela)
Addl. Sessions Judge,
Palwal, (UID NO.HR0220)
20.09.2023

Santosh Kumari/Stenographer Gr.I

(Abhishek Phutela)
Addl.Sessions Judge,
Palwal, (UID No. HR0220)
20.09.2023