

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

CRM No.M-36046 of 2015

Date of Decision: October 30, 2015

Shankar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Ms. Deipa Singh, Advocate,
for the petitioner.

Mr. Sanjay Kumar, AAG, Haryana.

- 1. Whether Reporters of the local papers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the Judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J. (ORAL)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of bail to the petitioner-Shankar, who has been booked for having committed the offence punishable under Section 412 of Indian Penal Code, in a case arising out of FIR No.219 dated 10.07.2015, registered at Police Station, Chandhul, District Palwal.

Learned counsel contends that basic ingredients of Section 412, IPC, are lacking in the present case, since the prosecution has not been able to connect that the alleged silver recovered from the petitioner, was a stolen property; the petitioner was arrested on 10.07.2015 and after completion of the investigation, the charge-sheet (challan) has been presented on 04.09.2015 and as such further incarceration of the petitioner is not of worth. She further submits that the petitioner is neither required nor involved in any other case.

Learned counsel for the State submits that during his disclosure statement, the petitioner confessed before the police that the silver recovered from him was a stolen property and that a copy of FIR registered at police station, Delhi, has been enclosed with the report under Section 173, Cr.P.C., of this case, showing that a dacoity was committed at Delhi and the stolen silver was recovered from the petitioner.

Concededly, the petitioner has been charged under Section 412, IPC. He is neither required nor involved in any other case and after completion of the investigation the charge-sheet has been presented.

In view of the totality of the facts and circumstances of the case, the present petition is accepted and the petitioner-Shankar son of Ishwar, resident of Rajpura Khadar, Tehsil and

District Palwal, is directed to be released on bail during the pendency of the trial in the present case, subject to furnishing bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Palwal.

(NARESH KUMAR SANGHI)
JUDGE

30.10.2015
Bhumika