

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

CRM-M-41679-2015

Date of Decision: December 15, 2015

Sant Raj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. *Whether Reporters of 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?***

Present: Ms. Dhivya Jerath, Advocate
for the petitioner.

Mr.Pawan Gaur, DAG, Haryana.

NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Sant Raj, son of Shri Kashey alias Khosh alias Raghush, Caste Gujar, Agriculturist, resident of village Peepalka, Police Station, Surajpur, District Gautambudh Nagar (UP), who has been booked for having committed the offence punishable under Section 412, IPC, in a case arising out of FIR No.219, dated 10.07.2015, registered at

Police Station, Chandhhat, District Palwal.

Learned counsel contends that even if the whole case of the prosecution is taken at its face value then also the gravamen of Section 412, IPC, are not attracted qua the petitioner; the recovery of approximately 10 kg of silver jewellery by itself would not lead to the Investigating Agency to book the petitioner for the offence punishable under Section 412, IPC; there is not an *iota* of evidence available on the file that the silver jewellery alleged to have been recovered from the petitioner was the subject matter of a theft or dacoity ; the petitioner was arrested on 20.07.2015 and after completion of the investigation, the charge-sheet (challan) has been presented and even four prosecution witnesses have also been examined, therefore, further custody of the petitioner would not be of any consequence. She further submits that the petitioner is neither required nor involved in any other case.

Learned counsel for the State, after taking instructions from ASI Dilbagh Singh, Police Station, Chandhhat, District Palwal, fairly concedes that except the statement of MHC of Police Station, Chandni Chowk, Delhi, there is no evidence to show that the silver jewellery recovered from the petitioner was the subject matter of theft or dacoity. He further fairly concedes that

petitioner is neither required nor involved in any other case.

Keeping in view the totality of the facts and circumstances of the case, the present petition is accepted. Petitioner-Sant Raj, son of Shri Kashey alias Khosh alias Raghush, Caste Gujar, Agriculturist, resident of village Peepalka, Police Station, Surajpur, District Gautambudh Nagar (UP), is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bail bond in the sum of ₹1,00,000/- (Rupees one lac only) with one surety in the like amount to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Palwal.

December 15, 2015
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(NARESH KUMAR SANGHI)
JUDGE