

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26204 of 2019
Date of Decision: 04.07.2019

Munish Kumar @ Mannu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sushil Saini, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.43 dated 11.04.2019 registered for offences punishable under Sections 454, 380 and 411 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Mukerian, District Hoshiarpur.

Heard.

Instant FIR was registered on the statement of Narinder Kumar Sharma, who had reported theft of ₹3,50,000/- and two gold bangles from his house on 10.04.2019, when he and his wife were out of their house. He suspected that theft has been committed by his neighbours, namely, Varun @ Aditya and Munish Kumar @ Mannu (petitioner).

Learned State counsel on instructions from ASI Vinod Kumar submits that petitioner was arrested in this case on 11.04.2019 and recovery of ₹1 lakh was effected from his possession.

Learned counsel for the petitioner submits that challan in this

case has been filed on 12.06.2019. The case of prosecution is not based on any eye-witness account. Recovery of gold bangles were also effected from co-accused, Varun @ Aditya, on whose statement the petitioner was involved in present case and false recovery of ₹1 lakh has been planted on him.

Learned State counsel further submits that petitioner was named in the FIR. Though, there is no eye-witness of the occurrence but recovery of ₹1 lakh effected from the petitioner out of stolen amount *prima facie* shows his involvement in the incident. After completion of investigation challan has already been presented in Court.

Case of prosecution against the petitioner is based on circumstantial evidence. Without expressing any opinion on merits of the case and keeping in view the custody period of petitioner and that conclusion of evidence and then trial will take considerably long time, the present petition is allowed. Petitioner-Munish Kumar @ Mannu is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 04, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No