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

CRM-M-28408 of 2019 (O&M)

Date of decision: July 11, 2019

Daya Shankar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.K. Yadav, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.125 dated 03.03.2019, under Sections 323, 379-B, 506, 34 of Indian Penal Code, 1860, registered at Police Station Faridabad Central, District Faridabad.

As per prosecution case, petitioner snatched mobile phone as well as gold chain from the complainant and also gave beatings to him.

Contentends that petitioner is in custody since 29.03.2019 and after investigation, report under Section 173 of Cr. P.C. was submitted on 21.05.2019. Also contentends that during investigation, allegation of snatching of gold chain was found to be incorrect by the investigating officer. Further contentends that no criminal case is pending against him.

The above factual position is duly acknowledged by learned State counsel, on instructions from Assistant Sub Inspector Dharambir.

Heard both sides and perused the paper-book.

Since investigation is already over and allegation of snatching of gold chain was found to be incorrect, therefore, further incarceration of the petitioner would not serve any useful purpose; as such, this Court deems it appropriate to release him on bail pending trial.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

July 11, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**