

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

**CRM-M-41680-2020(O&M)**

**Date of decision : 16.12.2020**

Amit @ Kala

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Ketan Antil, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

\*\*\*\*

**ALKA SARIN, J. (ORAL)**

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0382 dated 11.07.2019 under Section 379-A of the Indian Penal Code, 1860 registered at Police Station City Sonapat, District Sonapat, Haryana.

Learned counsel for the petitioner has contended that the petitioner has falsely been implicated in the present case as well as in another FIR bearing No.564 dated 29.09.2019 under Sections 379-A, 411 and 34 of the Indian Penal Code, registered at Police Station City Sonapat, District Sonapat.

Learned counsel for the petitioner has further contended that in both the cases, the petitioner was falsely been implicated on the basis

of the disclosure statement made by him while in the police custody. He would further contend that recovery of gold chain has been planted on the petitioner and that though the alleged incident is of 10.07.2019 the alleged recovery is stated to have been made on 05.04.2020. He would further contend that no prudent person would retain a snatched gold chain for such a long period. He would further contend that he has been in custody since 05.04.2020.

Learned counsel for the petitioner has further contended that in FIR No.564 dated 29.09.2019 this Court, vide order dated 30.10.2020 in CRM-M No.28900 of 2020, has already admitted the petitioner on bail.

Learned counsel for the State, on instructions from ASI Joginder Singh, has opposed the grant of bail on the ground that on the basis of the disclosure statement made by the petitioner in police custody in another FIR, the recovery of gold chain has been affected. Learned counsel for the State is not in a position to deny the fact that this Court vide order dated 30.10.2020 in CRM-M No.28900 of 2020 has admitted the petitioner on bail in similar circumstances.

In view of the above and without commenting upon the merits of the case as well considering the fact that the challan has already been presented and the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 pandemic, I deem it fit to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his

Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

**16.12.2020**  
Yogesh Sharma

**( ALKA SARIN )**  
**JUDGE**

**NOTE: Whether speaking/non-speaking: Speaking**  
**Whether reportable: YES/NO**