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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.27446 of 2022 (O&M)

Date of decision: 30.06.2022

Dinesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Partap Singh, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.340 dated 03.10.2021, for offence punishable under Sections 379-B and 34 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Sector 6, Bahadurgarh, District Jhajjar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of one Ravinder, it is stated that while he was going in his car, 03 boys came and attacked him and snatched his gold chain by giving beatings. It is further submitted that the petitioner was not named in the FIR nor any description of the petitioner was given in the FIR. It is also argued that the recovery of the chain has already been effected from the co-accused Sombir @ Mehta and the petitioner is nominated in the case on the

basis of the disclosure statement of Sombir @ Mohit and no recovery has been effected from the petitioner. It is further argued that the petitioner has no antecedents of involvement in the case under Section 379-B IPC and he is in custody for the last 04 months and 07 days; challan stands presented and it will take some time in conclusion of the trial.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in one more case under Section 323 IPC.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last about 04 months and 07 days; the custodial interrogation of the petitioner is not required; the petitioner is not involved in any other case under Section 379-B IPC or of similar nature; challan stands presented and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

30.06.2022

yakub

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No