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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-45572-2021

Decided on: 25th February, 2022

Monu

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Anshuman Dalal, Advocate for the petitioner.

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral).

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 334, dated 21th June, 2021 under Sections 379-A IPC read with Section 34 IPC, registered at Police Station Shivaji Colony, Rohtak, District Rohtak.

[3] The FIR was registered on the statement of Naresh Kaushik. It was stated that on 21st June, 2021 near the gate of Colony, two bike riders with covered faces snatched gold chain of wife of complainant. She could not see the faces of riders.

[4] Learned counsel for the petitioner submits that petitioner is in custody since 2nd August, 2021. His name surfaced in the disclosure statement and he was produced on production warrants.

Petitioner has been roped in due to involvement in other FIRs, he was released on bail in all other FIRs.

[5] Learned State counsel opposes the prayer for grant of bail. She submits that antecedents of petitioner are not clean. It is argued that he has confessed his involvement in the incident and on his disclosure, Rs. 28,000/- were recovered, which he got after selling the snatched chain.

[6] Learned counsel for the petitioner refutes the arguments of State and submits that confessional statement has no evidentiary value. The recovery nowhere connects the petitioner with the alleged incident.

[7] Without commenting on the merits of the case, considering that as per contents of the FIR, complainant or his wife are not in a position to identify the accused, recovery from petitioner is of cash, the facts that investigation is complete and conclusion of trial is likely to take time, the petitioner is granted bail subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

[8] The petition is allowed.

[9] However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

25th February, 2022

<i>pankaj baweja</i>	1. Whether speaking/ reasoned	:	Yes /No
	2. Whether reportable	:	Yes /No