

279-1

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.36747 of 2023
Date of Decision: 12.09.2023

NARENDER SHARMA @ NITISH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Edward Augustine George, Advocate
for the petitioner.

Mr. Vishal Malik DAG, Haryana

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under
Section 439 of the Code of Criminal Procedure for grant of regular bail to
the petitioner in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
79	22.02.2023	379-A IPC	Thanesar City, District Kurukshetra

2. Brief facts of the case are that FIR has been registered on the
complaint of Jaya Devi stating that on 20.02.2023, at about 6:30 AM while
she was going to Shiv Mandir for worship, one unknown boy snatched her

earrings weighing about 5-6 grams and fled away on the basis of which the present FIR was registered.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that FIR had been lodged after a delay of two days. He submitted that the petitioner is in custody since 01.04.2023, challan has been presented on 29.05.2023, charge has been framed on 07.08.2023 and out of 12 prosecution witnesses none has been examined till date and no useful purpose would be served by keeping the petitioner behind bars and hence he prays for grant of regular bail.

4. On the other hand, learned State counsel has contested the bail application by vehemently arguing that considering the nature and gravity of offence, the petitioner is not entitled to bail. He submits that during the course of the investigation petitioner was identified by the complainant, one more case in FIR No.57 dated 09.02.2023 under Section 379-A, Police Station Thanesar, Kurukshetra is registered against the petitioner and hence he prayed for dismissal of the petition. However, it is admitted that challan has been filed and charge has been framed and none of the witness has been examined till date.

5. The arguments advanced by learned counsel for the parties have been heard.

6. After considering the rival contentions and perusing the record, it transpires that as per the complainant one unknown boy had snatched her earrings while she was going to temple. Thereafter, during investigation the

present petitioner was nominated and arrested in this case on 01.04.2023 after taking him on production warrants and since then he is in custody; Challan has already been filed and charge has been framed and admittedly, no prosecution witness has been examined till date out of the 12 cited prosecution witnesses. Therefore, considering the aforesaid facts and circumstances, it is observed that no useful purpose would be served by keeping petitioner behind the bar any further as the trial may take considerable time to conclude.

7. Consequently, in the light of the above, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

12.09.2023

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No