

279-3

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.36788 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
84	10.03.2023	379-A IPC	Pehowa, District Kurukshetra

2. Brief facts of the case are that FIR has been registered on the complaint of Darshani Devi stating that on 10.03.2023, at about 6:45 AM when she was going back from temple one unknown person snatched her

earrings and ran 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 submitted that the petitioner is in custody since 11.04.2023, challan has been presented on 08.05.2023, charge has been framed on 06.07.2023 and out of 15 prosecution witnesses none of the witness has been examined till date. He submitted that no useful purpose would be served by keeping the petitioner behind bars and hence prays for grant of regular bail.

4. On the other hand, learned State counsel has contested the bail application by vehemently arguing that the petitioner is not entitled to bail taking into consideration the nature and gravity of offence. He submitted that the petitioner is also involved in four similar cases. However, it is admitted that challan has been filed and charge has been framed but 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 version of the complainant some unidentified person had snatched her earrings. During investigation the present petitioner was nominated and arrested in this case on 11.04.2023 after being taken on production warrant. Challan has already been filed; charge has been framed and admittedly none of the witness has been examined by the prosecution till date. Therefore, considering the aforesaid facts and circumstances, it is

observed that no useful purpose would be served by keeping the petitioner in custody any longer since the conclusion of the trial may take considerable time.

7. Consequently, in the light of the above discussion, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on 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