

279-2

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.36786 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
107	15.03.2023	379-A IPC	Kurukshetra University, District Kurukshetra

2. Brief facts of the case are that FIR has been registered on the
complaint of Ashwani Sharma stating that on 15.03.2023, at about 6:30 AM
while his wife was coming to Didar Nagar after walk, one boy muffled face

came from behind and snatched her earrings, 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 one gold earring was recovered from almirah kept in the house of petitioner the same has been foisted on him to implicate the petitioner in the present as well as multiple FIRs. He submitted that the petitioner is in custody since 25.03.2023, challan has been presented on 20.05.2023. According to him after the framing of charge on 01.07.2023, the prosecution has examined only 1 witness out of 10 prosecution witnesses cited 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 the petitioner is not entitled to bail considering the nature and gravity of offence. He submitted that during the course of the investigation petitioner was identified by the complainant and petitioner is also involved in four similar cases and hence he prayed for dismissal of the petition.

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 prosecution version some boy with muffled face had snatched the earnings of the wife of complainant while coming from behind. After being nominated, the petitioner was arrested in this case on

25.03.2023 and since then he is in custody. The recovery of earring and ₹8700/- in cash from the house of petitioner has been effected. The Challan has already been presented and charge has been framed. Till date only 1 prosecution witness has been examined out of the 10 witnesses cited by prosecution. Therefore, considering the aforesaid facts and circumstances, it is observed that no useful purpose would be served by keeping petitioner behind the bars 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