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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 40274 of 2023

Decided on :- 14.12.2023

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... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Ms. Shivani Sahni, Advocate with
Mr. Sahil Arora, Advocate for
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

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:-

FIR No.	Dated	Sections	Police Station
100	03.04.2023	379-B, 411 IPC	Derabassi, District SAS Nagar

2. It is *inter alia* contended by learned counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in this case.

She submits that FIR was registered against unknown person on the

allegations of snatching gold ear rings. She submits that alleged gold ear rings have been recovered from the petitioner. She submits that the petitioner is in custody since 03.04.2023, challan in the case has already been presented in Court, charges have been framed on 20.09.2023 and out of 12 witnesses cited by the prosecution none has been examined till date, as such he prayed for grant of concession of bail.

3. Per contra, learned State counsel has opposed the bail application by arguing that considering the nature and gravity of offence, petitioner is not entitled for concession of bail. He submits that petitioner is also involved in case FIR No. 393/2022 dated 15.12.2022 registered at police Station Derabassi under Section 379-B, 411 IPC. Learned Counsel for the State, however, has not controverted the fact that challan has been presented, charges have been framed and out of 12 witnesses cited by the prosecution none has been examined till date.

4. Considering the rival contentions and perusing the record, it transpires that FIR was registered on the allegations that some unknown person snatched gold ear rings and the same has been recovered from the petitioner. Petitioner is on bail in the aforesaid FIR No.393/2022 dated 15.12.2022 registered at police Station Derabassi under Section 379-B, 411 IPC. The petitioner is in custody since 03.04.2023 in the present case, challan has already been presented in the Court, and out of 12 witnesses cited by the prosecution none has been examined till date; the conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no useful purpose would be served by detaining the petitioner

any longer.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, 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, if not required in any other case; 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.

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

(SANJIV BERRY)
JUDGE

14.12.2023

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