

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-45473-2023

Date of Decision:-10.10.2023

Sanjeev Kumar @ Sanjeev.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rajesh Lamba, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.377 dated 02.07.2023 under Sections 379-A IPC registered at Police Station Kotwali, Faridabad, District Faridabad.

2. The present FIR came to be registered at the instance of Dinesh Chhabra who stated that on 02.7.2023 at about 9.00 pm, while he was going on his scooty from his shop, then one boy came and snatched his golden chain from his neck. Legal action was sought.

Thereafter on the basis of secret information, the petitioner was arrested on 3.7.2023.

3. The counsel for the petitioner contends that the allegations as mentioned in the FIR are totally false. No specific details of the gold chain

have been mentioned in the FIR. The petitioner has been arrayed as an accused only on the basis of secret information without any other connecting evidence. As he was in custody since 3.7.2023, the report under Section 173(2) Cr.PC stood submitted, but none of the 08 prosecution witnesses have been examined so far, the Trial of the present was not likely to be concluded anytime soon and therefore the petitioner was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the offences of this kind were on the rise and the petitioner was not entitled to the concession as prayed for. He however concedes that the petitioner is a first time offender, in custody since 03.07.2023 and that none of the 08 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner shall be established during the course of the Trial. Admittedly, the petitioner is in custody since 03.07.2023, the investigation stands completed and none of 08 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this view of the matter, his further incarceration is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-**Sanjeev Kumar @ Sanjeev** son of Sh. Laxman Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other case other than the cases mentioned this order.

10. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.25,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.
11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 10, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No