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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-56770-2023
Date of decision : 16.11.2023

DHARAMBIR @ TIGER AND ANR

....Petitioners

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Pallavi Babbar, Advocate for the petitioners.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case F.I.R. No.209 dated 18.07.2023 registered for the offences punishable under Sections 34 and 379-A of IPC at Police Station Ram Nagar Karnal, District Karnal.

2. Petitioners are stated to be behind bars since 20th of July, 2023.
3. As per the allegations levelled in the FIR it has been alleged as under :

“xxx I, Sunita, wife of Pramod, daughter of Subhash resident of H.NO. 32/1 I am a resident of Near Jeetu Halwai Chowk Ramnagar Karnal, today at around 4 pm I had gone to my aunty Shakuntala ji's house in New Prem Nagar to collect my money and took Rs.8500 from there and put it in the cover of my mobile along with ATM. And when I was coming back to my home, around 5 o'clock, two unknown youths came from behind on a

SPLENDER bike near the house of Bagheli Ram Gandhi Nagar and snatched J6 SAMSUNG mobile from my hand and ran away. In my mobile sim having number 9896580559, 9350101641 is working. Both the boys were wearing white and black check shirt, one was wearing yellow pant and the other was wearing black pant. That they have been clearly identified in the camera and I will also recognize them from the front, hence I request you to take appropriate legal action against both the boys, name and address are unknown, my mobile, money and ATM should be searched. xxx”

4. Further case of the prosecution is that the petitioners have been identified in the CCTV footage obtained from the spot. Mobile and cash amount also stand recovered from them.
5. Counsel for the petitioners submits that the investigation already stands concluded and Challan stands presented. Thus there can't be any apprehension that the petitioners shall tamper with the evidence and the custody cannot be prolonged as a punitive measure. It is further contended that the petitioners have clean antecedents and have no other case against them.
6. State Counsel though does not dispute the aforesaid factual assertions made by counsel for the petitioners based on record. However he submits that keeping in view the seriousness of the allegations levelled against the petitioners they do not deserve concession of bail.
7. I have heard counsel for the parties and have gone through records of the case.

8. In view of above, without commenting on the merits of the case keeping in view the incarceration already suffered by the petitioners and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 16, 2023	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No