

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5734-2024
Date of Decision:08.02.2024

Moolchand @ Kaliya ...Petitioner

vs.

State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 1141 dated 16.11.2023, registered under Sections 379-B, 341,34 of IPC, Police Station Sadar, District Karnal.
2. Learned counsel for the petitioner contends that as per the case of the prosecution, two persons had allegedly intercepted the complainant and they had allegedly snatched a sum of Rs.10,000/- from his pocket. As per the complainant, both the snatchers were allegedly addressing each other by taking their full names. Learned counsel further submits that the allegations levelled by the complainant in the present case are highly unbelievable and it is a case of apparent false implication. Learned counsel further contends that even the complainant did not suffer any injury in the present case and the ingredients of offence under Section 379-B of IPC are completely missing in the facts and circumstances of the present case. He further contends that the petitioner was

arrested in the present case on 17.11.2023 and is in custody since then and the petitioner is a first offender. The final report under Section 173 Cr.P.C has already been presented against him.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and the petitioner is not entitled to grant of bail.

4 I have heard the learned counsel for the parties and perused the record.

5. The petitioner was arrested in the present case on 17.11.2023 and is in custody for the last about 02 months and the petitioner is a first offender. The challan has already been presented by the police and his further incarceration will serve no meaningful purpose. Even there is no material on record to indicate that the petitioner may influence the witnesses of the prosecution or may flee from the process of justice.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/DutyMagistrate/Chief Judicial Magistrate, concerned.

08.02.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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