



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

CRM-M-13785-2024
Date of Decision: 30.09.2024

MOHD NASIR ALIAS MOHD NASIR HUSSAIN
....Petitioner

VERSUS

UT CHANDIGARH
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Amandeep Singh, Advocate for
 Mr. Jarnail Singh Saneta, Advocate for the petitioner.

 Mr. Sumit Jain, Addl. P.P., U.T., Chandigarh.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.444 dated 02.12.2023 registered for the offences punishable under Section 380, 454, 120-B, 411, 413 of IPC at Police Station Sector 36, Chandigarh.

2. The allegations in nutshell are that some unknown persons committed theft of cash, jewellery, foreign currency etc. from house of the complainant on 02.12.2023 during the daytime. During investigation, co-accused Devinder Kumar was arrested and the name of the present petitioner surfaced in the disclosure statement suffered by said Devinder Kumar and then present petitioner was arrested on 14.12.2023 and recovery of one stolen wrist watch, 300 US dollars, two gold earrings was effected at the instance of the present petitioner. During investigation, it also transpired that amount of Rs.69,500/- was transferred from the bank



account of the present petitioner to that of co-accused Alfaj Malik and another amount of Rs.50,000/- was transferred from his bank account to that of co-accused Mohd. Hasan Ansari.

3. Counsel for the petitioner *inter alia* submits that the FIR in this case was registered against unknown persons and the present petitioner was arrested on the basis of alleged disclosure statement suffered by co-accused and the relevance and admissibility of the same will be tested during trial. It is further submitted that the alleged recoveries in this case are already effected and challan stands presented but trial has not commenced till date. Counsel for the petitioner further submits that in all the other criminal cases faced by the petitioner he is enlarged on bail. So, prayer is made that the petitioner be released on regular bail pending trial.

4. Present petition is resisted by the State Counsel, who on instructions from SI Sher Singh submits that during investigation, the name of the petitioner surfaced and consequently, he was arrested and recoveries of stolen wrist watch, 300 US Dollars, two gold earrings were effected from him. That it has also come on the record that petitioner transferred Rs.69,500/- in the bank account of co-accused Alfaj Malik and other Rs.50,000/- in the bank account of co-accused Mohd. Hasan Ansari from his own account. It is further submitted that the petitioner is involved in number of other criminal cases of similar nature. However, the State counsel has not disputed the fact that petitioner who is in custody for the last more than 9 months is presently lodged in judicial custody and on completion of investigation, challan has been presented



but charges are still to be framed.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the FIR in this case was registered against unknown persons and during investigation, the present petitioner was nominated as accused and thereafter certain recoveries of stolen articles are stated to be effected from the petitioner. On completion of investigation, police has presented challan but trial will commence after framing of charges. The petitioner is in custody for the last more than 9 months and as per counsel for the petitioner, he is given benefit of bail in all the other criminal cases faced by him. Admittedly, two other co-accused are already enlarged on bail in the present case by the Court concerned. Admittedly, it will take considerable time for the trial to terminate. In the given circumstance, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In light of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

30.09.2024
Priyanka Thakur

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