

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

243

CRM-M-15246-2024
Date of Decision.:03.04.2024

Babu Ram @ Tiniya

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.S. Dandiwal, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.69 dated 26.01.2022 registered under Sections 379-A, 34 of the IPC (Section 120-B of the IPC added later on) registered at Police Station City Fatehabad, District Fatehabad.

2. As per prosecution allegations, on 26.01.2022 at about 03-03:15 p.m. complainant Pranjal Munjal was standing at the gate of her house whereas her mother was sitting on the platform, when two young boys came on a bike. One of the boy, on the pretext of asking address of someone, suddenly snatched gold chain along with locket from the neck of her mother and fled away. Further prosecution case is that during investigation on 27.08.2022 i.e. after more than 07 months, co-accused Sonu was arrested in another case FIR No.438 dated 17.08.2022 registered at Police Station City,

Fatehabad under Sections 379-A/34 of the IPC, wherein he suffered disclosure statement and nominated the petitioner to be the co-accused. Based upon that disclosure statement of the co-accused, petitioner was arrested and he was interrogated. He admitted his involvement in the crime and got recovered ₹500/-.

3. Learned counsel contends that petitioner has been falsely implicated simply on the basis of disclosure statement of the co-accused; that he is not named in the FIR and that he is in custody for the last more than 05 months and so, he be allowed bail.

4. Notice of motion.

5. Mr. Sumit Jain, Addl. AG, Haryana accepts notice on behalf of respondent- State.

6. Learned State counsel has opposed the bail petition by pointing out towards the criminal antecedents of the petitioner inasmuch as he is involved in as many as 08 cases out of which 05 of the cases pertain to the similar nature. However, learned State counsel could not refute the contention to the effect that petitioner is not named in the FIR and he has been named after 07 months of the occurrence, by the co-accused in his disclosure statement. It will also be a matter of trial as to how the prosecution will be able to connect the recovered amount of ₹500/- with the snatched property.

7. Petitioner is in custody for the last 05 months and 20 days, as per the custody certificate. Trial is likely to take long time to conclude.

8. Having regard to the above facts and circumstances, particularly the nature of evidence collected during investigation *qua* the petitioner, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

April 03, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No