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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33711-2024 (O&M)
Date of decision: 14.10.2024

Rakesh Kumar

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Dinesh Maurya, Advocate
for the petitioner.

Mr. Manish Bansal, P.P., UT, Chandigarh.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition filed under Section 483 of BNSS, 2023 the petitioner prays for grant of regular bail in case FIR No.55 dated 20.03.2024, under Sections 341, 379-B, 34 IPC (Sections 392, 394, 397, 341, 411, 323 IPC, added later on, and Section 379-B, 323 IPC deleted), registered at Police Station Sector-31, U.T., Chandigarh.

2. The instant FIR was registered on the complaint made by one Narinder Singh alleging therein, that on dated 18.03.2024, he was going back to his home after closing his shop at about 11 P.M., three boys who were riding on a motorcycle, followed him and snatched the bag which was carrying Rs. 15,000/- and some documents pertaining to the complainant. In



the instant case, the petitioner was arrested on the basis of a secret information and during the course of investigation he got recovered the motorcycle which was alleged to be used in the crime. One Aadhar card and PAN card of the complainant, was also recovered. Besides this, recovery of Rs. 2,000/- was shown to have effected from the present petitioner during the course of investigation.

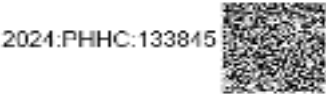
3. Learned counsel for the petitioner asking for the releif submits that the petitioner is a man of clean antecedents, and has suffered incarceration of about 7 months as on today. He further submits that the prosecution is unable to conclude its evidence till date.

4. Mr. Manish Bansal, learned P.P., UT, Chandigarh opposed the prayer made by learned counsel for the petitioner and submits that the recovery effected from the present petitioner connects him with the instant crime. He further informs this Court that out of total 13 witnesses, 09 witnesses stand examined (4 examined, 5 given up). He further places on record the custody certificate qua the petitioner, which reflects that the petitioner is not involved in any other case and in fact has suffered incarceration of 6 months and 20 days as on todayy.

5. Be that as it may, considering the nature of the offence, the role of the petitioner, days of incarceration, and the antecedents of the petitioner, this Court deems it appropriate to allow the present petition. Therefore, the present petition is **allowed**.

6. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial

Magistrate/trial Court/Duty Magistrate.



7. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

14.10.2024
Satyawan

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No