



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

CRM-M-41980-2024
Date of Decision: 12.09.2024

SONU BHARTI
....Petitioner

VERSUS

STATE OF HARYANA
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Tanvir Singh Grewal, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, Deputy A.G., Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 483 of BNSS is for grant of regular bail to the petitioner in case FIR No.65 dated 15.04.2024 registered for the offences punishable under Sections 379-B, 34 of IPC at Police Station Jhansa, District Kurukshetra.

2. The allegations in nutshell are that four unknown persons including one female stopped complainant Misro Devi and her sister-in-law Santosh Devi and forcibly removed their earrings and then went away in a car. Resultantly, FIR was registered against unknown persons. Subsequently, the present petitioner was arrested and recovery of Rs.2000/- was effected at his instance. Thereafter co-accused Gaurav Gir, Ajay Kumar and Jaspreet Kaur were arrested and the aforesaid snatched earrings were recovered from them.

3. Counsel for the petitioner submits that petitioner is just 19



years of age and is having no criminal antecedents and none of the snatched articles was recovered at the instance of the petitioner. That the snatched articles are stated to be recovered from three other co-accused. It is further submitted that on completion of investigation, challan stands presented but it will take considerable time for the trial to conclude. Further that no gainful purpose is going to be served by keeping the petitioner in custody for any longer period.

4. Present petition is resisted by the State Counsel, who has produced custody certificate of the petitioner as per which the custody of the petitioner comes out to be 04 months and 07 days and he is not involved in any other criminal case. The State counsel on instructions from ASI Pawan Kumar submits that after registration of the FIR against the unknown persons, the present petitioner was arrested who got effected recovery of Rs.2000/-. It is further submitted that subsequently co-accused Gaurav Gir, Ajay Kumar and Jaspreet Kaur were arrested and recovery of the snatched earrings was effected at the instance of said three persons from a shop of Goldsmith. The State counsel has not disputed the fact that snatched articles were not recovered at the instance of the petitioner and further on completion of investigation challan has been presented but trial has not commenced.

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 it appears that no test identification parade as per prescribed procedure got conducted and further the snatched articles are



not recovered from the possession of the petitioner who is presently lodged in judicial custody and is having no criminal antecedents. Furthermore, it will take time for the trial to terminate. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view 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

12.09.2024
Priyanka Thakur

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