



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

CRM-M-43178-2024
Date of Decision: 09.09.2024

DEVINDER KUMAR
....Petitioner

VERSUS

STATE OF UT CHANDIGARH
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Prince Sarangal, Advocate for the petitioner.

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

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.444 dated 02.12.2023 registered for the offences punishable under Sections 380, 457, 120-B, 411 of IPC (Section 413 of IPC added later on) 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. The present petitioner was arrested by the police on the basis of footage of CCTV cameras installed in the vicinity and as per prosecution one scooter bearing No. PB65-V-9478, two iron rods, two screw drivers, one plier, 30 US dollars, LAVA mobile phone were recovered at the instance of the present petitioner on the basis of disclosure statement suffered by him before the



Investigating Officer. Thereafter the other accused persons were also arrested from whom different stolen articles were recovered. On completion of investigation, police presented challan against all the accused persons including the present petitioner.

3. Counsel for the petitioner *inter alia* submits that FIR in this case was registered against unknown persons and the present petitioner was arrested on the basis of suspicion. It is further submitted that recoveries in this case are stated to have been effected and on completion of investigation challan stands presented but trial will commence after framing of charges. It will take time for the trial to terminate. Counsel for the petitioner further submits that petitioner who is also falsely implicated in some other cases is enlarged on bail in the said criminal cases. So, prayer is made that petitioner be released on regular bail.

4. Present petition is resisted by the State Counsel, who on instructions from SI Suresh Kumar submits that during investigation of the case, it was found that petitioner was involved in the present case and thereafter he was arrested on 10.12.2023 and during his interrogation petitioner suffered disclosure statement which resulted in recovery of one scooter, two iron rods, two screw drivers, one plier and stolen articles i.e. 30 US dollars, LAVA mobile phone. It is further submitted that another Rs.5000/- were transferred in the name of petitioner from the account of co-accused Nasir Hussain. However, the State counsel has not disputed the fact that on completion of investigation, police has presented challan but trial has not commenced till date.



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 and co-accused were arrested and recoveries are already effected. On completion of investigation, challan stands presented but trial will commence after framing of charges. The petitioner is in custody for the last more than 8 months and it will take time for the trial to conclude. The petitioner is stated to be on bail in the other criminal cases faced by him. 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

09.09.2024
Priyanka Thakur

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