



CRM-M-44847-2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(216)

CRM-M-44847-2024
Date of Decision : 13.09.2024

Suraj ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON’BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. C.R. Narwal, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.131 dated 29.03.2021 under Sections 379-B and 34 of the IPC, 1860 registered at Police Station City Mandi Dabwali, District Sirsa, Haryana (Annexure P-1).
2. In the instant case, the FIR (supra), was registered on the complaint, made by one Tej Kaur, wherein, she alleged that on dated 25.03.2021, at about 2.00 p.m., one young boy came inside her room, and snatched away her Gold ear rings, after injuring her both ears, and furthermore outside, one another boy was standing on a motorcycle, and thereafter, the person, who snatched her ear rings, sat on the said motorcycle and fled away from the spot. The present petitioner, was arrested in a different case, wherein, he suffered a disclosure statement, and consequently, the recovery of ear rings was effected from the present petitioner.



CRM-M-44847-2024

2

3. On asking for the relief of regular bail, learned counsel for the petitioner submits that though there is a recovery of the ear rings in the instant case, but the identification of such ear rings, and whether, this has nexus with the alleged snatched ear rings, is yet to be established by the prosecution, by leading cogent evidence. Learned counsel further submits that the petitioner has suffered incarceration of about 02 years and 07 months, as on today, and the trial of the case is on its mid way.

4. Learned State counsel, on instructions imparted to him by the Investigation Officer concerned, has opposed the grant of relief of regular bail to the petitioner. He has also placed on record the custody certificate dated 12.09.2024, qua the petitioner, today in the Court. The same is taken on record. He submits that out of total 08 prosecution witnesses, as cited by the prosecution, only 04 witnesses have been examined, and the next date is fixed for today i.e. 13.09.2024, before the learned trial Court concerned.

5. Perusal of the custody certificate reflects that the petitioner is facing a trial in two other cases, and conviction in one case. Though, there are five other cases against the petitioner, but in all those five cases, the petitioner has earned acquittal.

6. This Court has heard the rival submission of learned counsel for the parties concerned, and is of the view that the instant petition is amenable to be allowed.

7. Without commenting anything on the merits of the case and considering the period of incarceration i.e. 02 years, 06 months and 25 days, as on today, and since the trial is on its mid way, further incarceration of the petitioner is not warranted at all, at this stage and this Court deems it fit to enlarge the petitioner on regular bail. Accordingly, the instant petition is

CRM-M-44847-2024

8. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.
9. 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.

(KULDEEP TIWARI)
JUDGE

September 13, 2024
Manpreet

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