



CRM-M-48252-2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-48252-2024

Date of Decision: 01.10.2024

Hasan Ansari

.... Petitioner

Versus

State of UT Chandigarh

.... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Dalip Kataria, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. PP, UT, Chandigarh.

KARAMJIT SINGH, J. (Oral)

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, 454, 411, 413 and 120-B of IPC, 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. During investigation of the case, co-accused Devinder Kumar was arrested and in his disclosure statement, he disclosed the name of the present petitioner who was arrested on 12.12.2023 by the police on the basis of disclosure statement suffered by co-accused Devinder and as per prosecution, two gold bangles, 1500 USD cash (Dollar), 3 pair of gold earrings, one pair of diamond earrings, 400 Dirhams and 500 Euros were recovered at the instance of the present petitioner.



CRM-M-48252-2024

-2-

3. Counsel for the petitioner *inter alia* submits that FIR in this case was registered against unknown persons and the present petitioner was arrayed as an accused on the basis of disclosure statement of co-accused and the relevancy of the said disclosure statement, if any, against the petitioner will be tested during trial. It is further submitted that after completion of investigation, challan stands presented and the trial has commenced but it will take time to conclude. It is further submitted that the petitioner has already incarcerated for more than 9 months and no purpose would be served by keeping him behind the bars. 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 Sher Singh, submits that no doubt the petitioner was not named in the FIR but later on arrested in this case on the basis of disclosure statement suffered by co-accused Devinder Kumar and during his interrogation, recovery *qua* the stolen articles, as are detailed above, was effected from the petitioner. It is further submitted that the petitioner is having criminal history. However, the State counsel has not disputed the fact that on completion of investigation, police has presented challan and trial has commenced and the prosecution has already examined the complainant.

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 was arrested and as per police version, recoveries are already effected. On completion of investigation, challan stands presented and after framing of charges, now trial has commenced and it will take time to terminate. The petitioner is in custody for the last more than 9 months. In the given circumstances, no useful purpose is going to be



CRM-M-48252-2024

-3-

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/one local solvent surety in minimum sum of Rs.1,00,000/- to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

01.10.2024

D.Bansal

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No