

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

248

CRM-M-37476-2024 (O&M)
Date of Decision:- 05.02.2025

SAGAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Johan Kumar, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
189	14.04.2024	379-A IPC	City Palwal, District Palwal

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on the allegation of having snatched the gold chain from the complainant's wife. He contends that the petitioner is not involved in the occurrence and is in custody since 19.04.2024, and after the completion of investigation, challan has been submitted by the Police, wherein during the course of trial,

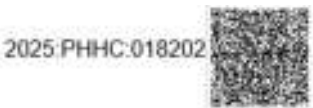


the complainant and his wife have been examined and their statements have been annexed as Annexures P-3 and P-4 to say that none of them have lent any support to the case of the prosecution against the petitioner, as such, prayed for grant of bail to the petitioner.

3. *Per contra*, learned State counsel has opposed the petition on the ground of gravity of offence. He has, however, not disputed the fact that during the course of trial, the complainant as well as his wife, while appearing in the witness-box have not supported the case of the prosecution against the petitioner. He has further apprised that out of 14 witnesses cited by the prosecution, seven witnesses have already been examined.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that that the instant FIR was registered on the allegation that the petitioner had snatched the gold chain from the neck of wife of the complainant. Subsequently, the petitioner was arrested 19.04.2024, after completion of investigation, challan has been presented. Admittedly, during the course of trial, the complainant Vijender Kumar has stepped into the witness box as PW-2 and his wife (victim) has been examined as PW-1. Their statements recorded in the Court has been placed on record as Annexures P-3 and P-4. A perusal of the same would reveal that both these material witnesses have turned hostile and have not supported the case of the prosecution against the petitioner by giving him clean chit, testifying that they do not identify the assailants, who had snatched the chain and accused present in Court is not the person who had snatched the gold chain.



Admittedly, there is no other material witness to the occurrence and out of 14 witnesses cited by the prosecution, only seven have been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

05.02.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No