



CRM-M-62946-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**CRM-M-62946-2024 (O&M)****Date of decision : 4.2.2025**

Banarasi Sah @ Banarasi Shah

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGHPresent: Mr. Balvinder Sangwan, Advocate,
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case having FIR No.754 dated 20.9.2024 registered under Sections 305, 306, 331(4), 61(1) of BNS, 2023 at Police Station Sector 58, Faridabad.

2. As per allegations in the FIR, present petitioner and his accomplices committed theft of 8 metric ton of iron coil lying in the factory premises of the complainant on 14.9.2024 during night time. During investigation, the present petitioner was arrested on 22.11.2024 and he got effected recovery of ₹ 5000/-.

3. Counsel appearing on behalf of the petitioner, *inter alia*, submits that the petitioner is falsely named in the FIR which was registered after delay of 6 days of the alleged incident of theft and no incriminating



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article is recovered from the present petitioner who is incarcerated for the last more than 4 months and is having no criminal history. It is further submitted that it will take time for the trial to conclude even after framing of charges against the accused persons including the present petitioner; that no useful 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 on instructions from ASI Davinder Singh submits that the petitioner is specifically named in the FIR and during investigation, he was arrested and he got effected recovery of ₹ 5000/-. However, the State counsel has not disputed the fact that stolen iron coils were not recovered from possession of the petitioner who is in custody for the last more than 4 months and is not involved in any other criminal case. State counsel has also not disputed the fact that co-accused-Sarwar, from whom, the canter used in the commission of the crime was recovered is already given benefit of regular bail by the Court of Additional Sessions Judge, Faridabad vide order dated 26.11.2024 (Annexure P-5). It is also not disputed by the State counsel that after presentation of challan, charges are not framed against the accused persons till date.

5. I have considered the submissions made by the counsel for the parties.

6. In the given circumstances, as no incriminating article except for currency notes worth ₹ 5000/- is recovered from the present petitioner and further, the petitioner is behind bars for the last more than 4 months and is having no criminal antecedents and furthermore, trial is still to commence,



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no useful purpose is going to be served by prolonging judicial custody of the petitioner.

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

February 4, 2025
Paritosh Kumar

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