

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21070-2018

Date of decision: 25.02.2019

Niranjan

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.17 dated 15.01.2018 under Sections 392/34 IPC and Sections 395/148/149 IPC (added later on), registered at Police Station Model Town, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner is in custody since 11.02.2018 and is not involved in any other case. It is further submitted that as per allegations in the FIR, complainant Sneh Lata stated on 15.01.2018 that her servant Rajesh @ Chhotu is main accused, who, along with three accomplices, has committed the offence by tying her and she further stated that her son is out of station and as and when he returns, he will give details of the articles stolen. Thereafter, son of the complainant namely Manav Jauhar made a statement on 16.01.2018 and gave the details along with Aadhar Card of the petitioner and passport of some other accused and on basis of the same, the petitioner was arrested. Learned counsel further submits that co-accused of the petitioner Nankai has already been granted the concession of

regular bail vide order dated 06.04.2018 passed in CRM-M-13421-2018. The operative part of the order reads as under: -

“Learned counsel for the petitioner submits that as per allegation in the FIR, 04 persons committed the offence of robbery at the residence of the complainant, out of whom, the complainant has named her servant Rajesh @ Chhotu that he has called three other persons at the residence of the petitioner. Counsel for the petitioner further submits that after arrest of co-accused-Niranjan, on his disclosure statement name of the petitioner surfaced and recovery of Rs.9, 02,000/- and 40 grams gold was effected. Counsel for the petitioner further submitted that in fact, husband of the petitioner, namely Jawahar Lal is one of the accused who has kept concealed the said amount and gold and since he is not arrested, the same has been shown in the possession of the petitioner.

Learned State counsel, on instructions from ASI Malkiat Singh, submits that as per CCTV footage, four persons have been identified and declared as accused in the present FIR, including the husband of the petitioner -Jawahar Lal. It is further submitted that on the disclosure statement of Niranjan, the police party went to the place of residence of the petitioner from where the aforesaid recovery was effected. However, three more accused including husband of the petitioner are yet to be arrested.

Learned State counsel, on instructions from the Investigating Officer, has however, not denied the fact that except

for the recovery of the stolen articles, there is no allegation against the petitioner. It is further stated that challan is ready and the same will be submitted soon before the trial Court.

Without commenting on the merits of the case and considering the fact that the petitioner is not one of the four main accused and the allegation against her are only pertaining to recovery of stolen articles; she being a lady and in custody since 05.02.2018 and is no more required for further custodial interrogation; the present petition is allowed. The petitioner is ordered to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate.”

Learned counsel for the petitioner has further submitted that now the challan stands presented against the petitioner, charges are yet to be framed and it will take some time in conclusion of the trial.

Learned State counsel, on instructions from ASI Malkit Singh, has not disputed the factual position, however, submitted that out of total 06 accused persons, only two have been arrested and 04 accused have been declared as proclaimed offenders. It is further submitted that recovery of money was effected from the petitioner and the incident was captured in the CCTV installed by the neighbour.

In reply, learned counsel for the petitioner has submitted that in the report under Section 173 Cr.P.C., there is no reliance on the CCTV footage.

Without commenting anything further on merits of the case, considering the fact that the petitioner is in custody since 11.02.2018; aforesaid

co-accused Nankai has already been released on regular bail; charges are yet to be framed and it will take some time in conclusion of the trial and also in view of the fact that the petitioner is not involved in any other case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

25.02.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No