

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-25836 of 2020(O&M)
Date of Decision: 08.09.2020

Imran

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rahul Jaswal, Advocate,
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana

ANIL KSHETARPAL, J.

The petitioner prays for bail pending trial in a criminal case arising from FIR No. 0518, dated 26.04.2020, registered under Section 380/457 IPC, at Police Station Panipat City, District Panipat.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Panipat, in paragraph 2 of the order dated 19.08.2020, which is extracted as under:-

“2. According to the complaint dated 26.04.2020 of the complainant Kamlesh Kumari, she has a shop under the name & style of Rohit Boot House in the shops of Swarankar Dharamshala, in which, she also sells cold drinks, bidi, matchbox etc. On 14.04.2020, she had gone to (Praveen Kumar) ASJ, Panipat, 19.08.2020 2 Imran Versus State of Haryana CNR No. HRPP01-003877-2020 her house at 07:30 PM after closing the shop. On the next morning at about 08:00 AM, she saw that shutter on one side had been broken. The complainant checked her articles and found that two boxes of Frooti of 2 liters each, two boxes of bidi, one box containing Rajdarbar, Shikhar and other articles, five packets each of big Gold Flake and small Gold Flake, five packets of Red & White, 10-15 pairs of slippers and other articles has been stolen. The complainant searched for her articles upto 26.04.2020 on her own but no clue could be found.”

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and he is sought to be indicted as an accused on the basis of disclosure statement of Sarafat which is not admissible in evidence. He further contends that neither there is any admissible evidence against the petitioner nor there is any recovery. He further contends that the petitioner has been falsely implicated in various FIR's registered in the month of April, 2020, in District Panipat. He further submits that the petitioner for the first time is being involved in the criminal cases in April, 2020.

Mr. Deepak Bhardwaj, learned Deputy Advocate General, Haryana, is unable to draw the attention of the court to the admissible evidence against the petitioner.

The petitioner is in custody since 30.06.2020.

On conclusion of the investigation, the police report under Section 173 of the Code of Criminal Procedure, 1973, has already been filed. The conclusion of the trial is likely to take time.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 30.06.2020 and conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly the petition is allowed with the aforesaid directions.

September 08, 2020

nt

Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)
JUDGE

: Yes/No

: Yes/No