

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-25130-2021

Date of Decision: 08.07.2021

Suresh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Deepak Vashishth, Advocate, for the petitioner.

Mr. Gagandeep Singh Chinna, Assistant Advocate General,  
Haryana.

\*\*\*\*

**Through Video Conferencing**

**JASGURPREET SINGH PURI, J. (Oral)**

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in case bearing FIR No. 260 dated 14.12.2020, under Sections 380 and 457 of the Indian Penal Code, 1860, registered at Police Station Pillukhera, District Jind.

As per the FIR which was lodged on the basis of a complaint made by one Jamshed son of Dharam Singh that at around 3-4 A.M a theft was after breaking shutter of his shop and there was a theft of 2 battery Inverter, 7 Phones of big touch and 12-13 phones of keypad and Rs. 13,000/- to Rs. 14,000/- cash and one phone having two SIM, whose numbers are 8295595877

and 9068903874 and on which flexi is running were stolen.

Learned counsel for the petitioner has submitted that the petitioner has been arrested merely on the basis of suspicion and there is nothing to link the petitioner with the alleged crime. He submitted that per the prosecution two mobile phones were recovered from him along with some cash. He submitted that whether the alleged recovery was pertaining to the same mobile phones which were stolen is the matter of evidence would be seen at the time of trial. So far as the currency notes are concerned, there is nothing to co-relate the currency with the currency which has been allegedly recovered from the petitioner. He submitted that the petitioner was involved earlier in two cases out of which in one case which was pertaining to NDPS Act, the petitioner was convicted by the learned Judicial Magistrate Ist Class, Jind but thereafter he has been acquitted by the Court of Additional Sessions Judge, Jind on 02.02.2015 and so far as the other case pertaining to Gambling Act is concerned, he has paid the fine and as of now no case is pending against the petitioner. He further submitted that the petitioner is in custody since 15.01.2021 and investigation of the case is already complete and nothing is to be recovered from the petitioner. The challan has already been presented and the trial of the case would take long time and therefore, he has prayed for the grant of regular bail.

On the other hand, Mr. Gagandeep Singh Chinna, learned Assistant Advocate General, Haryana has submitted that the matter pertains to the theft from a shop and the matter was serious in nature and has therefore opposed the grant of bail to the petitioner. He has submitted that so far as the custody of the petitioner is concerned, the same is not disputed and it is also not disputed that investigation of the case is already complete and the challan has already been presented and nothing is to be recovered now from the petitioner.

I have heard the learned counsel for the parties.

It is not disputed that the investigation of the case is already complete and challan has already been presented and the petitioner is in custody from 15.01.2021. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

**08.07.2021**

rakesh

**(JASGURPREET SINGH PURI)  
JUDGE**

|                    |   |        |
|--------------------|---|--------|
| Whether speaking   | : | Yes/No |
| Whether reportable | : | Yes/No |