

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33829-2021

DATE OF DECISION: OCTOBER 11, 2021

JITENDER GUPTA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.P. DAARIA, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.33 dated 18.1.2021, under Section 380, 457 IPC (Section 120-B, 411, 413 IPC added later on), Police Station Quilla, District Panipat. The petitioner is in custody since his arrest on 23.1.2021.

The allegations contained in the FIR as noticed by the Addl.Sessions Judge, Panipat, in the order dated 2.6.2021, are as under:-

“According to the complaint dated 18.01.2021 of the complainant Tanuj, he is running a jewellery shop at Khel Market, near Sethi Chowk under the name & style of Diwan Jewellers. On the intervening night of 07/08.01.2021, some unknown persons broke the wall of his shop and entered the shop and tried to break open the safe/locker through a gas cutter but could not succeed because the gas fell short. The thieves left the gas cylinder left on the spot and while going away, they took away two silver bangles, 25/30 silver baby bangles and other silver articles from the counter, the price of which

was about ₹50,000/60,000/-. The complainant was making inquiry on his own up to 18.01.2021. On 18.01.2021, the complainant read the newspaper and came to know that the thief had been arrested by the CIA-3. In case FIR No. 23 dated 14.01.2021 under Sections 457, 380, 413, 120-B IPC, Police Station, Quilla Panipat, the accused Sunny @ Gangoiya and Jitender confessed about the commission of the crime in the present case. In case FIR No. 458 dated 11.09.2020 under Sections 457, 380, 413, 120-B IPC, Police Station Quilla Panipat, the accused had been produced in the court on 23.01.2021 and after taking permission from the court, they were joined in the investigation of the present case and were formally arrested. Sections 411, 413, 120-B IPC were introduced. As per disclosure statement of the accused Jitender, he and the accused Sunny had shared the stolen articles in equal shares and the accused Jitender got recovered the various silver articles which fell to his share from the bed kept in a room of his rented house”

Learned counsel for the petitioner has argued that the alleged theft took place on 7/8.1.2021, but the FIR was lodged after a long delay on 18.1.2021, when the complainant came to know about some other incident of theft through a newspaper reporting dated 18.1.2021. He submits that the petitioner was already in custody in case FIR No.23 dated 14.1.2021, under Section 457, 380, 413, 120-B IPC, Police Station Quilla Panipat, who has been falsely implicated in the present case. He has further submitted that the investigation of the case is complete, therefore, the petitioner be released on regular bail.

On the other hand, learned counsel for the State assisted by PSI Tej Pal has opposed the aforesaid prayer on the ground that the petitioner is involved in two other cases. However, it is not disputed that the challan stands filed and the charges have been framed on 14.9.2021.

Considering the above background and the fact that challan has been filed and charges have also been framed and out of total 10 prosecution witnesses, none has been examined so far, this Court is of the opinion that further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 23.1.2021, as the trial of the case is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

October 11, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No