

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-39569-2020 (O&M)

Date of decision : 08.01.2021

RAHUL

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Neha Dewan, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

ALKA SARIN, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.159 dated 10.08.2020 under Sections 380 and 457 of the Indian Penal Code, 1860 registered at Police Station Rajound, District Kaithal.

Learned counsel for the petitioner has contended that the petitioner has been implicated only on the basis of the CCTV Footage. Referring to the still photographs taken from the CCTV Footage which have been appended as Annexure P-4, the learned counsel would further contend that the person seen in the said footage had a muffled face and there is no way that the person could be identified as being the petitioner. The learned counsel further contends that there is nothing more to be recovered from the petitioner since as per the case set up by the prosecution an alleged recovery of Rs.1,68,000/- has already been made from the petitioner. It is further contended that petitioner has been in

custody since 11.08.2020 and challan has already been presented and no purpose will be served by keeping the petitioner in custody any longer.

Learned State counsel has referred to the status report which has been filed by way of an affidavit of Sunil Kumar, Deputy Superintendent of Police, Kalayat wherein it has been stated that the petitioner stands identified on the basis of CCTV Footage by the Manager of the petrol pump since the petitioner had worked as a salesman at the said petrol pump. It is further been stated in the status report that on the basis of the disclosure statement, a cutter, wire, bag and stolen money amounting to Rs.1,68,000/- have been recovered from the petitioner. Learned State counsel on instructions from SI Wazir Singh stated that there is no other case pending against the petitioner.

I have heard learned counsel for the parties.

In the present case, the FIR has been lodged on 10.08.2020 on the basis of a complaint made by one Isham Singh s/o Sultan Singh who stated that they slept at 10.00 pm after closing the petrol pump and when they woke up in the morning, the locks of the office of the petrol pump were found broken and Rs.2,50,000/- was found missing from the drawer. The petitioner was not named in the FIR. However, a supplementary statement of the complainant Isham Singh was recorded wherein he stated that he had hurriedly got the FIR recorded stating therein that Rs. 2,50,000/- had been stolen, however, when they tallied the amount it was found that an amount of Rs.1,78,000/- was stolen. It was further stated in the supplementary statement that on checking the CCTV Footage, a boy was seen coming who they identified as the petitioner.

I have heard the learned counsel. A perusal of the FIR reveals that initially the petitioner was not named in the FIR. However, on the basis of the supplementary statement the petitioner was arrested. In the initial FIR lodged there was no mention of the CCTV Footage or of the petitioner, the amount mentioned was also different. A prudent person who has a CCTV camera installed would first of all check the same to see as to who had broken into the office. Further, even the still photographs of the CCTV Footage show a man with a muffled face.

In view of the above and considering the fact that the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 Pandemic, no useful purpose would be served by keeping the petitioner behind the bars any further. Without commenting upon the merits of the case, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

January 08, 2021

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(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO