

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

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CRM-M-50335-2021

Date of Decision: 07.12.2021

Lalit Kumar

...Petitioner

Versus

State of UT Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Menka Gupta, Advocate,
for the petitioner.

Mr. Akashdeep Singh, APP, UT Chandigarh,
assisted by ASI Ajmer Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.89 dated 26.08.2021 at Police Station Sarangpur, Chandigarh, under Section 380 IPC (Section 411 IPC added later on).
2. The FIR was lodged at the instance of Mamta, wherein it is alleged that on the night intervening of 25/26.08.2021, she along with her husband and children slept inside their house while leaving the door open due to hot weather. When she woke up in the morning, she saw all the household articles were lying scattered. Upon checking, she found that silver anklet, silver ring, her husband's silver chain & bangle and her daughter's bangles as well as an amount of Rs.2500/- were missing from the house.

3. Learned counsel for the petitioner has submitted that he has falsely been nominated as an accused in the instant case on the basis of alleged recovery from the petitioner. It has further been submitted that petitioner's son, namely Vansh, who is presently aged about 5 months, is suffering from 'inguinal hernia', as would be evident from the report Annexure P-2 and has been advised surgery, as is evident from the prescription slip dated 17.09.2021, which is part of Annexure P-2. Learned counsel has submitted that there is no male member in the family to do the needful for getting his son operated and that in these circumstances, the petitioner deserves to be released on bail.
4. Opposing the petition, learned State counsel has submitted that the petitioner is a habitual offender having been involved in 4 other identical cases over a period of time and that in these circumstances, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 3 months and that challan already stands presented. It has also been informed that till date only 1 PW out of cited 17 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. It does appear that the petitioner is a habitual offender having been involved in other identical cases. However, since challan stands presented, his detention would not serve any useful purpose. Still further, it is a case where a newly born child of the petitioner, who is presently aged about 5 months, was diagnosed to be suffering

from 'inguinal hernia' and was advised surgery in the month of September, 2021, which could not be undertaken as the petitioner has been behind bars since 27.08.2021. In these circumstances, this Court is certainly expected to have a humane approach particularly in the interest of newly born child. As such, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

07.12.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**