

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

CRM-M-10925-2022 (O & M)

Date of decision: 12.05.2022

Deepak Verma @ Deepu

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ritesh Tomar, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

CRM-11188-2022

This is an application for correction in the petition to the extent that Section 313 IPC, wherever mentioned in the petition, be substituted with Section 413 IPC.

It is mentioned in the application that due to inadvertence, Section 313 IPC has been incorporated in the petition, instead of Section 413 IPC.

Heard.

Considering the same as typographical mistake, the present application is allowed. Amended petition is taken on record.

CRM-M-10925-2022

Through this petition, the petitioner seeks regular bail in case bearing FIR No.497 dated 11.12.2021, registered at Police Station City Jagadhri, under Sections 457, 380, 34, 201, 411 and 413 IPC.

Status report dated 12.05.2022, by way of affidavit of the Deputy Superintendent of Police, Yamuna Nagar, filed in the Registry, is taken on record.

Learned counsel for the petitioner contends that the petitioner, who is a goldsmith, has falsely been implicated in the present case on the basis of his alleged involvement in FIR No.441 dated 17.11.2021, under Sections 457, 380, 34, 201 and 411 IPC, registered at Police Station Gandhi Nagar, District Yamuna Nagar, and a false recovery has been foisted upon him; that in fact, the petitioner was already confined in judicial custody in FIR No.441 dated 17.11.2021, at the time, as would decipher from the remand application dated 25.1.2022 and police report dated 21.02.2022 (Annexures P-2 and P-3, respectively), and that it cannot be presumed that the petitioner had committed any offence as far as the present FIR is concerned. In support of his contentions, the learned counsel relies upon the judgment rendered by a Division Bench of Rajasthan High Court, in DB Criminal Appeal No.1254-2008, titled as Banne Singh @ Pahalwan Vs. State of Rajasthan, decided on 20.11.2008 and by the Delhi High Court in Ajay Sethi Vs. State, 2017 (4) JCC 2495.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that recovery of ornaments effected from the petitioner, speaks volumes of his culpability and that he is also involved in another case of similar nature.

I have heard the learned counsel for the parties.

There are serious allegations against the petitioner that he had received the stolen gold/silver ornaments from accused-Suraj @ Mudia and Sonu @ Rana, who were involved in FIR No.441 dated 17.11.2021. During investigation, the petitioner stated that the above-named accused had sold the stolen gold/silver ornaments to him, and that

the petitioner had further sold the jewellery to the customers by concealing that the same was the stolen one. The recovery of ornaments has already been effected from the petitioner. The petitioner is also involved in another case of similar nature.

The judgments relied upon by the learned counsel for the petitioner, are not applicable to the present case having distinguishable facts. Moreover, the said judgments do not deal with the case of regular bail.

Therefore, finding no merit in the present petition, the same is dismissed.

12.05.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No