

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

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CRM-M-16750-2022

Date of Decision : **April 28, 2022**

JEETU ALIAS BANNA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.389 dated 10.9.2021 under Sections 457, 380 and 120-B IPC, registered at Police Station Hisar Civil Lines, District Hisar.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 18.12.2021 and the investigation of the case has been completed and challan has been presented under Section 173 Cr.P.C. He submitted that no further recovery is to be effected from the petitioner. He further submitted that as per the allegation contained in the FIR, a theft was committed in the house of one Neha Bishnoi and thereafter one Kuldeep was arrested after a period of more than two months and it was only on the disclosure statement of the aforesaid Kuldeep that the name of the petitioner was nominated in the present FIR and thereafter he was arrested and some recovery of amount of Rs.1 lac was effected from him. He further submitted that the petitioner is a labourer and the present case has been planted upon the petitioner and, therefore, he may be considered for the grant of regular bail. He has also referred to the vernacular copy of the disclosure statement of Kuldeep

from where it can be seen that the thumb impressions of Kuldeep are totally submerged which can be seen with naked eyes. He further submitted that the aforesaid Kuldeep was arrested on 12.12.2021 and while he was taken by the police to the Police Station, the vehicle met with an accident and the aforesaid Kuldeep died during treatment and the present case has been planted upon the petitioner by the police officials for the purpose of saving their own skin. He submitted that the petitioner has clean antecedents and he is not involved in any other case and there is no direct evidence available with the police against the petitioner.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 18.12.2021 and the investigation of the case has been completed and challan has been presented in the competent Court and no further recovery is to be effected from the petitioner. He has, however, submitted that after the arrest of the petitioner, there was a recovery of about Rs.1,05,000/- from the petitioner and the occurrence was also caught in a CCTV camera but from that CCTV camera it cannot be seen as to who was the person present there. However, there was another CCTV camera near the locality where the petitioner could be seen and identified. On a query being asked from the learned State counsel with regard to the submerged thumb impression of the co-accused, namely, Kuldeep, who had died, the learned State counsel was not able to answer as the same was matter of a trial. The learned State counsel has not denied that the petitioner is not involved in any other case and he has clean antecedents.

I have heard the learned counsels for the parties.

It is a case where the petitioner is in custody from 18.12.2021. The allegation against the petitioner is that he was involved in a theft in the house of the complainant and the main accused, namely, Kuldeep when he was arrested on 12.12.2021 and while being taken to the Police Station met with an accident and eventually he died. This Court does not wish to make any observations with regard to the submissions made by the learned counsel for the petitioner pertaining to

the submerged thumb impressions but the present case is based upon the disclosure statement of the co-accused, who has also died. The petitioner is not involved in any other case as per the learned counsel for the parties and has clean antecedents. There is no further recovery to be effected from the petitioner. Therefore, this Court is of the considered opinion that the petitioner deserves to be enlarged on bail.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

April 28, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No