

236

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

**CRM-M-18845-2022
Date of Decision: 11.05.2022**

Sanjay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr.Sandeep Saini, Advocate,
for the petitioner.

Ms. Shivani Sharma, AAG, 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 bearing FIR No.19 dated 27.01.2022, under Sections 379 read with Section 34 of the IPC, registered at Police Station Safidon City, District Jind.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 28.01.2022 and the allegation as per the FIR was that there was a theft of Rs.40,000/- from the complainant, who was travelling in a bus. He further submitted that the petitioner has been falsely implicated in the present case only in view of the fact that he was earlier involved in another case of theft. He also submitted that the name of the petitioner was nominated in the present case on the basis of disclosure

statement made by him while he was being interrogated in other case and further submitted that such kind of confessional statement is not admissible in evidence. He further submitted that the investigation of the case is already complete and challan has been presented and no further recovery is to be effected from the petitioner. He also submitted that so far as the other two cases against the petitioner are concerned, he is already on bail in those cases and it was only because of those cases that the petitioner has been falsely nominated by the Police in the present case.

On the other hand, Ms. Shivani Sharma, learned AAG, Haryana has stated that it is correct that the petitioner is in custody 28.01.2022 and the investigation of the case has been completed and challan has also been presented and no further recovery is to be effected from the petitioner. She further submitted that the petitioner is involved in two more cases of theft.

I have heard the learned counsel for the parties.

It is a case where the petitioner is in custody since 28.01.2022 the investigation of the case has been completed and challan has also been presented. As per the prosecution, the petitioner had made a confessional statement while he was being interrogated in some other case and the petitioner is already on bail in those cases. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the

satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

11.05.2022

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |