

(228) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29513-2022

Date of Decision: 18.08.2022

Dass @ Das

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. K.L. Saini, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.158 dated 01.05.2022 registered under Sections 380, 457 IPC and Sections 25, 54, 59 of the Arms Act with Police Station Safidon, District Jind (Haryana).

2. The present FIR came to be registered at the instance of one Amarjeet Singh son of Harjinder Singh, who stated that some unknown person has committed theft at his Dera taking away Rs.3,50,000/-, 17 *Tolas* of gold belonging to his sister, 07 *Tolas* of his own gold and one 12 bore gun.

3. The petitioner came to be arrested in FIR No.111 dated 03.05.2022 registered under Sections 147, 148, 149, 307, 379-B, 332, 353, 186, 427 IPC and Sections 25, 54, 59 of Arms Act with Police Station Garhi. He is said to have suffered his disclosure statement admitting his involvement in the present FIR.

4. The learned counsel for the petitioner *inter alia* submits that there is no evidence against the petitioner except his own disclosure statement before the Investigating Agency in aforesaid FIR No.111 dated 03.05.2022. He contends that the police has shown a false recovery of Rs.30,000/- and one gold ring from him. He has been in custody since 04.06.2022 and the challan stands filed but none of the prosecution witnesses have been examined so far and therefore, the trial in the present case is not likely to be concluded in the near future. He thus, prays for the grant of regular bail.

5. On the other hand, the learned State counsel contends that the petitioner's name figured first-time in his confessional statement recorded in the aforesaid FIR No.111 dated 03.05.2022. Thereafter, he has got recovered a sum of Rs.30,000/- and a gold ring. He is involved in two other cases including FIR No.111 dated 03.05.2022 and one other case of the year 2009. Therefore, the antecedents of the petitioner does not entitle him to the grant of regular bail.

6. I have heard the learned counsel for both the parties at length.

7. Admittedly, in FIR No.111 dated 03.05.2022 registered under Sections 147, 148, 149, 307, 379-B, 332, 353, 186, 427 IPC and Sections 25, 54, 59 of Arms Act with Police Station Garhi, he has been granted the concession of bail vide order dated 07.06.2022 passed by the learned Sessions Judge, Jind. The petitioner has not been named in the FIR. His name figures first-time in his own disclosure statement recorded in FIR No.111 dated 03.05.2022. The petitioner has been in custody since 04.06.2022 and the investigation stands completed. None of the prosecution witnesses have

been examined so far. As such, the trial of the present case is not likely to be concluded in the near future.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Dass @ Das son of Sh. Deep Chand is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

10. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

18.08.2022

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No