

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

238

CRM-M-52761-2022

Date of Decision: 22.11.2022

Balram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ram Bilas Gupta, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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.62 dated 09.03.2022 at Police Station Tigaon, District Faridabad, under Sections 392/394/459 IPC (Sections 395 & 201 IPC added later on).
2. The FIR was lodged at the instance of Raj Kumari, wherein it has been alleged that on 09.03.2022, when she was present in her house, 2 young boys came to her house and stated that they are friends of complainant's son Neeraj, who was away to his work place. The said boys said that they are thirsty. When the complainant went inside her house to get water for the said boys, they caught hold of her and tried to strangle her and gagged her mouth. While giving beatings, they asked for the keys of almirah, which she accordingly pointed out. It has been alleged that the said boys after opening the almirah took away 4 bracelets weighing 1

- taula each; 2 bracelets weighing 2 taula each; 3 chains out of which one is weighing 1.7 taula and other two are weighing 1 taula each; 3 necklaces weighing 2 taula each, one pair of *Jhumki*, 3 rings, one pair of gold earrings, 13 silver coins, 8 pairs of silver Payal, 2 gents watches and silver *Chutki* apart from cash amounting to Rs.10,000-12,000/-.
3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated on the basis of a disclosure statement made by co-accused Shubnesh and that no authenticity can be attached to such like statement much less any evidentiary value.
 4. Opposing the petition, learned State counsel has submitted that since the accused from whom some recoveries had been effected have specifically named the petitioner, 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 8 months and that he stands involved in 2 more identical cases. It has also been informed that though challan has been presented, but charges are yet to be framed and as many as 15 PWs have been cited.
 5. This Court has considered rival submissions.
 6. Though the role attributed to the petitioner is that he has conducted *recce* of the house of the complainant, but the admissibility and veracity of the disclosure statement made by co-accused against the petitioner would be debatable. In any case, the petitioner has been behind bars for a substantial period of more than 8 months. Conclusion of trial is likely to consume time inasmuch as trial has not even commenced till date. In these circumstances, further detention of the petitioner will not serve any

useful purpose. The petition, as such, 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.

22.11.2022

Sangeeta

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**