

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-55118-2022

Date of Decision: 22.12.2022

Jaswinder Singh alias Kala

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Lakhwinder Singh, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

KARAMJIT SINGH, J.

Prayer in the present 2nd petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.229 dated 14.8.2022 registered for the offences punishable under Sections 457, 380 IPC (Sections 412 and 201 of IPC added later on) at Police Station Ratia, District Fatehabad.

Counsel for the petitioner *inter alia* contends that the petitioner was not named in the FIR and later on, arraigned as accused on the basis of the disclosure made by co-accused Gurmukh Singh and Jagjit Singh who have alleged that they sold the stolen jewellery to the present petitioner who is running his jewellery shop in the area of Ratia under the name and style of Jaswinder Jewellers. He further submits that the petitioner is in custody since 29.8.2022 and no stolen jewellery was recovered from his possession and presently, he is lodged in judicial custody.

Present petition is resisted by the State counsel who on instructions from ASI Sushil Kumar submits that FIR in this case was registered against unknown persons for committing theft of jewellery, ₹ 90,000/- and two mobile phones from the house of complainant-Surinder during the night intervening between 13/14.8.2022; that thereafter co-accused Gurmukh Singh and Jagjit Singh were arrested by the police who disclosed that they sold the stolen jewellery to the present petitioner who is running a jewellery shop in the area of Ratia and thereafter, the present petitioner was arrested on 29.8.2022. State counsel further submits that after completion of investigation, the police has presented the challan against the aforesaid accused persons and charges have been framed.

I have considered the submissions made by the counsel for the parties.

All the offences are triable by the Court of Judicial Magistrate, 1st Class.

Admittedly, the FIR in this case was registered against unknown persons who committed theft of jewellery, cash and mobile phones from the house of complainant-Surinder on the night intervening between 13/14.8.2022 and the name of the petitioner surfaced in the disclosure made by co-accused Gurmukh Singh and Jagjit Singh as per which, they sold the stolen jewellery to the present petitioner who is running a jewellery shop. No stolen jewellery was recovered from the present petitioner and only cash worth ₹ 10,000/- was recovered from him. After completion of investigation, the police has presented the challan and charges are framed but it will take considerable time for trial to conclude and the petitioner is in custody for the last more than 3 months and is

presently lodged in judicial custody. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

December 22, 2022

Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No