

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

CRM-M-56245-2022
Date of Decision: 08.12.2022

JITENDER

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. Neeraj Poswal, Asst. A.G., 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.1061 dated 24.11.2021 registered under Sections 457, 380 of the IPC, 1860 at Police Station Hisar Sadar, Hisar.

2. The brief facts of the case are that one Chandra Singh son of Harlal got recorded the FIR to the effect that on 23.11.2021, he had gone to his sister's house at Haibatpur and when he returned back, he found that the lock of the door and the lock of the chest (*paiti*) was also broken. On checking the chest, three *tolas* of gold, one ring, *tabiji*, *burjali* and ½ kg of silver was missing along with Rs.20,000/- in cash. Some unknown person had stolen the articles.

3. The learned counsel for the petitioner contends that the petitioner is not named in the FIR. He has been falsely implicated in the

present case. There is no admissible evidence inculcating the petitioner. The recovery of Rs.5,000/- shown from him is nothing but an attempt to falsely implicate him. He contends that the petitioner has been in custody since 12.08.2022, none of the 06 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded in the near future. He thus, prays that the petitioner ought to be granted the concession of regular bail, moreso when he is a first-time offender.

4. On the other hand, the learned State counsel contends that the petitioner entered the house of his uncle (complainant) stole silver and gold ornaments along with Rs.20,000/-. He further sold the same to his co-accused Prem Soni. As such, he did not deserve the concession of regular bail.

5. I have heard the learned counsel for the parties at length.

7. Admittedly, the petitioner is in custody since 12.08.2022. None of the 06 prosecution witnesses have been examined so far. The petitioner is a first time offender with no other case registered against him. Since the trial of the present case is not likely to be concluded in the near future, therefore, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Jitender son of Shri Bir Singh 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 petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

08.12.2022

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No