

CRM-M-4125-2023 (O & M)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-4125-2023 (O & M)

Date of decision: 15.05.2022

Sandeep

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sumit S. Bairagi, Advocate, for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.314 dated 10.06.2022 under Sections 328, 379 IPC registered at Police Station Kurukshetra University, District Kurukshetra registered with Police Station Shahbad Markanda, District Kurukshetra.

2. The brief facts of the prosecution case are that the statement of Jai Bhagwan son of Chudiya Ram was recorded to the effect that on 09.06.2022 at about 4.45 p.m. in the evening, his father had taken a lift on a motorcycle from Prajapati Dharamsala Birla Mandir Chowk towards Dhand from an unknown person. On 10.06.2022 at 9.10 a.m., someone had informed them (complainant party) that his father was lying on the Dhand road SYL river in an unconscious condition. Then they (complainant party)

CRM-M-4125-2023 (O & M)

::2::

took him to LNJP, Kurukshetra Hospital for treatment. It was found that his father's earrings, finger ring and Rs.600 (cash) were missing. He (complainant) had a doubt that the persons who had given a lift to his father had stolen the articles. Legal action was sought against the accused/motorcyclists.

Pursuant to the registration of the FIR, during the course of investigation, on the basis of a secret information, the petitioner and his co-accused were apprehended and were got identified from the victim. The victim disclosed that he had been administered excess liquor in a cold drink by the accused, and thereafter, his ornaments/valuables were taken away/removed.

During the the course of further investigation, the aforesaid valuables/articles/ornaments were found to have been sold for Rs.46,500/- by the accused to a jeweller at Panipat. The said jeweller was joined in investigation and disclosed that the articles had been sold to him by the accused persons. The amount of the sale proceeds of the said articles were recovered from the jeweller.

3. The learned counsel for the petitioner contends that the petitioner has not been named in the FIR but has been named on the basis of a suspicion. There was no cogent and convincing evidence available against him. As the petitioner was in custody since 17.08.2022 and only 03 of the 23 prosecution witnesses had been examined so far, the petitioner was entitled to the concession of bail, moreso, when in two cases registered

CRM-M-4125-2023 (O & M)

::3::

against him, he stood acquitted whereas in the third case, he was on regular bail.

4. The learned counsel for the State, on the other hand, contends that the nature of the allegation levelled against the petitioner did not entitle him to the grant of bail. The petitioner had criminal antecedents, and therefore, did not deserve any sympathy of the Court. He, however, concedes that in FIR No.714 dated 07.09.2019 under Sections 328, 379 and 34 IPC, registered at Police Station City Pantipat, the petitioner was acquitted on 12.05.2023, in FIR No.18 dated 06.01.2022 under Section 379-A IPC at Police Station Sahabad, Kurukshetra, he was acquitted on 03.04.2023 and in FIR No.345 dated 01.08.2021 under Section 379 IPC at Police Station Thanesar Sadar, Kurukshetra, he had been granted the concession of regular bail vide order dated 11.10.2023.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be established during the course of the Trial. The petitioner is stated to be in custody since 17.08.2022 and only 03 out of the 23 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to conclude anytime soon. As such, the further incarceration of the petitioner is not required.

7. Therefore, without commenting upon the merits of the case, the present petition is allowed and the petitioner-Sandeep is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

CRM-M-4125-2023 (O & M)

::4::

8. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other case other than the cases mentioned in this order

9. In addition, the petitioner (or through someone else on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

May 15, 2023
sukhpreet

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