

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-17247-2023 (O&M)
Date of Decision:-19.4.2023

Sanjay Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amandeep Singh Rai, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Pardip Kumar.

FIR No.	Dated	Police Station	Section/s
76	10.4.2021	Model Town, City Ludhiana	380, 381, 454, 34 of IPC and 394, 34 and 411 IPC were added later on.

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Avinash Sharma, wherein it is alleged that about 15 days ago, they had employed Rajesh Bahadar Dhami as a domestic help. It is alleged that on 10.04.2021 at about 12.45 PM, when she was present in her house and was sitting in a room, then three young boys entered into her house while conversing each other in Nepali language. While one of them sat near the complainant, other two started ransacking the

house and took an amount of Rs.5-6 lakhs, 8-10 tolas of gold ornaments and 2 diamond bangles. It is alleged that the complainant's servant Rajesh Kumar Dhami had been telling the said persons about the articles stored in the house and was hand in glove with the said persons.

3. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and came to be nominated subsequently on the basis of statement of complainant's son recorded in accordance with provisions of Section 161 Cr.P.C. It has further been submitted that the case of prosecution is that the petitioner was seen in the CCTV footage recorded in camera installed outside the house of the complainant whereas infact it is the taxi of the petitioner, which is seen in the CCTV footage. Learned counsel has submitted that even if the said factum of usage of taxi of the petitioner is taken to be correct, there is no other clinching evidence to show that the petitioner was also hands in gloves with other accused.
4. Opposing the petition, learned State counsel has submitted that apart from CCTV footage, the factum of recovery of an amount of Rs.98,000/- from the petitioner would clearly establish the complicity of the petitioner. Learned State counsel has informed that the petitioner as on date has been behind bars since the last more than 2 years and that 2 PWs out of the cited 12 PWs have been examined till date. It has also been informed that the petitioner is not involved in any other case.
5. This Court has considered the rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but having regard to the custody of the petitioner i.e. more than 2 years and also the fact that conclusion of trial is likely to take some time as only 2 PWs out of the cited 12 PWs have been examined so far and the petitioner otherwise is not

stated to be involved in any other case, 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.

19.4.2023
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No