

CRM-M-18066-2023 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-18066-2023 (O&M)
Date of Decision:-01.06.2023

Samim @ Bhola

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Nafeesh Ahmed, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Sarfaraj Anjum Mor, Advocate for complainant

ALOK JAIN, J. (Oral)

CRM-24255-2023

1. The instant application has been filed seeking preponement of the date of hearing in the main petition, which has been listed for 18.07.2023.

2. For the reasons mentioned in the application, the same is allowed and the main case is taken on Board today itself.

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1. The present petition has been filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 345 dated 09.09.2022 under Sections 376, 450, 457, 380 and 506 of the Indian Penal Code, registered at Police Station Jhirka, District Nuh, Haryana.

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2. Learned counsel for the petitioner submits that the entire story in the FIR is false and concocted. He further submits that the testimony of the prosecutrix was recorded on 09.05.2023 and she has resiled from her statement. He further submits that even as per the FIR, the diligence of the complainant demonstrates that after the alleged incident, they chose to go to the *Panchayat* and did not go to the Police, which is very strange. He submits that in fact, the correct position is that the theft took place in the house of the complainant and the dispute was with regard to certain amount of cash and jewellery, which was stolen from the house of the complainant and the petitioner has been entangled with this litigation as the complainant suspected that it is the petitioner who has committed the theft. Learned counsel for the petitioner further submits that the petitioner is in custody since 12.09.2022.

3. Learned State counsel submits that all the material witnesses have been examined and rather 8 witnesses out of 11 have been examined.

4. After hearing learned counsel for the parties and the fact that the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody, therefore, the petitioner has made out a case for grant of concession of regular bail.

5. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he

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has to give an alternate number, which will be available in his absence.

- 3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- 4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

6. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

01.06.2023
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(ALOK JAIN)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No