

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-21633-2023
Date of Decision : December 14, 2023

SHIVA RAWAT -Petitioner

V/S

STATE OF PUNJAB -Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr. Karunesh Kaushal, A.A.G, Punjab.

Mr. Vikas Mohan Gupta, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.185 dated 02.09.2022, under Sections 381/34/411 of the IPC, registered at P.S. Sarabha Nagar, District Ludhiana.

ALLEGATIONS AGAINST THE PETITIONER

2. The brief allegation(s) against the petitioner, as narrated in the order dated 22.02.2023, whereby, the learned Additional Sessions Judge, Ludhiana, declined to grant bail to the petitioner, are extracted hereinafter:-

“.....Present case was registered against applicant/accused and others on the ground that applicant/accused was servant in the house of Amrinder Singh and thereafter had stolen gold and diamond ornaments.....”

SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONER

3. The learned counsel for the petitioner, in his asking for the

hereinabove extracted relief, has made the following submissions:-

- (i) Petitioner has been falsely implicated in the present case, rather has been made a scapegoat, as the main accused is one Rajesh Kumar;*
- (ii) Recovery has already been effected from co-accused;*
- (iii) Petitioner has undergone incarceration of approx. 11 months;*
- (iv) Investigation stands completed, whereupon, Final Report has also been presented;*
- (v) the trial is not likely to conclude anytime soon, therefore, keeping the petitioner behinds the bars would serve no purpose;*
- (vi) the petitioner is not involved in any other criminal case.*

SUBMISSIONS OF THE LEARNED STATE COUNSEL

4. Per contra, the learned State counsel, who is assisted by the learned counsel representing the complainant, has placed on record the custody certificate of the petitioner, as issued by the Superintendent, Central Jail, Ludhiana. He has opposed the grant of bail to the petitioner, on the ground, that the petitioner in collusion with co-accused has committed breach of trust, through committing theft of gold and diamond ornaments from the house of his employer. Furthermore, to exhibit the culpability of the petitioner, he has stated that despite the petitioner drawing a meagre salary of Rs.10,000/- per month, yet an amount of Rs.1,15,95,537/- was found deposited in one of his bank accounts, which was derived from sale of stolen ornaments. However, before the above amount could be recovered from the account of the petitioner, the entire amount was siphoned off by the petitioner.

REASON(S) FOR DECLINING BAIL TO THE PETITIONER

5. Upon the factum qua deposit of such a huge amount (supra) in bank account of the petitioner being disclosed to this Court, this Court posed a specific query to the learned counsel for the petitioner about the truth behind reflection of such a huge amount (supra) in bank account of the petitioner, however, he could not make any response to the query, rather merely insisted for grant of bail to the petitioner solely on the ground of duration of his incarceration.

6. In the absence of any plausible explanation being made by the learned counsel for the petitioner qua reflection of Rs.1,15,95,537/- in bank account of the petitioner, despite his drawing a salary of only Rs.10,000/-, coupled with the fact that allegations levelled against the petitioner are grave in nature, inasmuch as, duping his own employer for crores of rupees, therefore, this Court is not inclined to grant the craved for relief of bail to the petitioner, at this stage, when trial is at its initial stage.

FINAL ORDER

7. In sequel, the instant petition is **dismissed**. However, anything observed hereinabove shall have no bearing on the outcome of the trial.

December 14, 2023
devinder

(KULDEEP TIWARI)
JUDGE

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