

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

CRM-M-24290-2023 (O&M)
Date of Decision:- 17.05.2023

Rohit ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhimanyu Singh, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by ASI Deep Chand.

FIR NO.	DATE	POLICE STATION	OFFENCES
461	12.12.2021	City Sohana, District Gurugram	34, 380, 436, 457, 120-B IPC (later on Section 120-B IPC added and Section 34 IPC deleted)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered in a case arising out of above mentioned FIR.
2. The FIR was lodged at the instance of Naresh Singla wherein he alleged that he along with his family left their house at Nuh on 10.10.2021 since one FIR i.e. FIR No.259 dated 10.10.2021, Police Station Nuh, under Section 306/34 IPC came to be lodged against

him and his children. Later, on 27.10.2021 the complainant received a telephone call from his nephew Sanjay to the effect that some miscreants had broken into his house and had set the same on fire and that extensive damage had been caused to his house and to the articles lying therein. The complainant suspected that Jitender, Prakash Mangala, Atul Mangala, Mahesh Mangala and Gaurav Saini had stolen articles from his house and had set his house on fire.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and came to be nominated as an accused subsequently on the basis of some secret information received by the police to the effect that the petitioner was in the process of selling the articles allegedly stolen from the house of the complainant including gold and silver ornaments. Learned counsel submits that there is no evidence worth credence to establish the allegations against him and that he has been falsely nominated as an accused.
4. Opposing the petition, learned State counsel has submitted that since it is a case where certain stolen articles including gold and silver ornaments were recovered from the petitioner, his complicity is clearly evident. Learned State counsel has informed that the petitioner as on date has been behind bars for the last more than one year and that till date none out of the cited 13 PWs has been examined. It has also been informed that the petitioner is not involved in any other case.
5. This Court has considered the rival submissions.

6. The allegations, in nutshell, against the petitioner are that he was found in possession of the stolen articles. The petitioner has been behind bars for a substantial period of more than one year and the trial has not commenced till date and 13 PWs have been cited. In these circumstances conclusion of trial is likely to consume time. The petitioner otherwise has a clean record. As such, further detention of the petitioners will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.05.2023

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(GURVINDER SINGH GILL)
JUDGE

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