

CRM-M No.31473 of 2023

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2023:PHHC: 103657

213(1)

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M No. 31473 of 2023
Date of Decision: 09.08.2023**

Deep Kumar @ Deepu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

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SANJIV BERRY, J. (ORAL)

The instant petition has been preferred under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.39 dated 01.04.2023 under Sections 457,380 and 411 of IPC registered at Police Station Nurpur Bedi, District Rupnagar (Annexure P-1).

2. Briefly the facts of the case are that on 27.03.2023 complainant along with his family had gone out of station after locking his house and on the next day he received a phone call regarding theft having been committed in his house. On coming back, he noticed that rear door of the house was broken and articles were lying scattered in the house. On checking, he noticed that jewellery weighing 200 gms of gold, different articles of silver weighing 306 grams and cash of ₹1,00,000/- been taken

away by thieves. CCTV footages were checked, and it was found that three unknown persons with muffled faces have stolen the articles. On his statement FIR dated 01.04.2023 (Annexure P-1) was registered.

3. The present petitioner namely Deep Kumar @ Deepu was arrested on 10.04.2023 and co-accused Paramjit Singh @ Pamma was arrested on 11.04.2023 and some of the articles stolen were recovered from their possession.

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and the alleged recovery of articles is planted. He submitted that the petitioner is in custody since 10.04.2023 and no purpose would be served by keeping the petitioner in custody for any longer period in the present case which is triable by the Court of Magistrate, hence prayed for grant of bail.

5. Learned State counsel has contested the bail application by vehemently arguing that the third co-accused is yet to be arrested and as such considering the gravity of offence the petitioner is not entitled to concession of bail.

6. Heard learned counsel for the parties.

7. After considering the rival contentions and perusing the record, it transpires that three persons with muffled faces had stolen articles from the house of complainant. Thereafter, the present petitioner along with co-accused namely Paramjit Singh @ Pamma was arrested in case and the possible recoveries were affected. The petitioner is in judicial custody and as such no more required for further investigation. The conclusion of trial will take considerable time and it is observed that no purpose would be served by

keeping the petitioner in custody in the present case which is triable by the Court of a Magistrate.

8. Consequently, in the light of the above, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds to the satisfaction of learned CJM/Duty Magistrate/ Illaqa Magistrate concerned; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)

JUDGE

09.08.2023

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |