

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

CRM-M No.34049 of 2023
Date of decision: 26th July, 2023

Tarsem Lal @ Bali

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajat Gautam, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.230 dated 26.11.2022 under Sections 379-B(2), 397 IPC and Section 25 of the Arms Act (Sections 54/59 of the Arms Act added later on) registered at Police Station Beas, District Amritsar.

2. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel for the petitioner submits that it was alleged therein that four persons with muffled faces entered the house of the complainant. After showing a hand pistol, they allegedly made the complainant and her children sit inside the house and thereafter, they took 15000/- euros and one and a half kg gold which was in the form of gold biscuits, from the

almirah of the complainant. However, son of the complainant recognized one of the accused i.e. Prabhjeet. Learned counsel has further drawn the attention of this Court to Annexure P-2, wherein it stands reflected that in a supplementary statement recorded on 05.03.2023, the complainant alleged that she had come to know that when the occurrence in question took place, the petitioner along with co-accused Toni was standing outside her house and supervising the crime in question. It has been submitted that it was only on the basis of this statement the petitioner was nominated as an accused in the instant case. Learned counsel submits that it is a matter of record that no recovery much less of the articles allegedly stolen from the house of the complainant, were ever effected from him and still further, it was not even the case of the complainant that the petitioner at any point in time had entered the house or even extended any threats to the complainant party. Learned counsel submits that the investigation in the case in hand is complete as challan stands presented. However, evidence has not yet commenced as charges are likely to be framed on the next date of hearing fixed before the trial Court i.e. 03.08.2023. He submits that in the circumstances, more so when the petitioner is not involved in any other criminal case, his further incarceration would serve no useful purpose as the trial shall take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to

dispute that the petitioner was not named in the FIR in question nor was there any suspicion raised qua his involvement in the crime in question. However, he submits that in the supplementary statement which was recorded after almost 3 months, i.e. on 05.03.2023, from the date of alleged occurrence the complainant had categorically stated that she had come to know from reliable sources that the petitioner had also participated in the crime in question albeit while standing outside her house. However, learned State counsel has not been able to controvert that no recovery of the stolen articles was effected from the petitioner. However, he submits that 20 grams of gold including a gold chain, was recovered from the possession of the petitioner.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has been in custody since 05.03.2023 and as also not disputed by the learned State counsel, he is not involved in any other criminal case, much less of similar nature. Investigation in the case in hand stands completed as report under Section 173(2) Cr.P.C. has since been presented before the trial Court. In addition, the petitioner came to be nominated as an accused after almost 3 months of the occurrence in question and therein also the complainant did not level any specific allegations against him other than that he had supervised the 'crime while standing outside the house'. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it

fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 26, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No