

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(202-2)

CRM-M-34875-2023
Date of decision:- 09.11.2023

Varun @ Varun Kumar @ Tamohan ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ketan Chopra, Advocate for the petitioner.
Mr. A.P.S.Tung, DAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
49	28.02.2023	Haibowal, District Ludhiana	457 and 380, IPC (later on Sections 411, 413 and 34, IPC were added)

2. Version of the prosecution is that FIR, Annexure P-2, has been registered on the statement of Paramjit Singh, wherein he stated that he is the proprietor of Bedi Foot Wear, which was burgled. The robbers had entered the shop during the night intervening 27/28.02.2023, disconnected the CCTVs and stole eighteen boxes of shoes, worth Rs.18,000/-, as well as cash of Rs.22,500/-. Complainant came to know that shop of his neighbour, Vikas Aggarwal, had been robbed in a similar fashion by unknown persons and he suspects that both the thefts are the handiwork of the same person.

3. Counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that neither has he been named in the FIR nor the recovery allegedly effected from him inspires confidence. Counsel submits that the petitioner has been arraigned as an accused on the statement of co-accused, Sanju Kumar @ Sanjay Wadawa. Counsel submits that as the petitioner is in custody since 26.03.2023, enjoys a clean past and deserves to be enlarged on bail as investigation qua him has been completed, final report has been presented and charge has been framed. He has also placed reliance upon the order dated 12.07.2023 passed by this Court, Annexure P-6, whereby co-accused, Ranjit Singh @ Rana, has been released on bail.

4. *Per contra*, State counsel, upon instructions from ASI, Om Parkash, has opposed the petition. Upon instructions, he submits that Sanju Kumar @ Sanjay Wadawa was apprehended, who admitted his role in the theft and stated that he had given some of the stolen articles to Ranjit Singh @ Rana as well as to his aunt, Renu. He submits that the main accused had named the petitioner and after apprehending him, recovery of four lowers, five boxes of desi ghee, eight pairs of shoes and one LCD (32 inches) was effected from his home. On the basis of Custody Certificate, which has been filed by the State counsel, he could not dispute that the petitioner has clean antecedents. State counsel submits that the main accused has disclosed that the petitioner was his accomplice.

5. Having heard counsel for the parties and considering their respective submissions, this Court is prima facie of the view that the

petitioner is entitled to concession of bail. There is no allegation that the petitioner is likely to influence the witnesses or delay the trial. State has not expressed any apprehension that the petitioner is likely to abscond. Furthermore, petitioner has clean antecedents and the trial, which is at an embryic stage and will take time to conclude, are other factors in favour of the petitioner.

6. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

7. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

09.11.2023

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No