

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-17762-2023 in/and
CRM-M-37238-2022
Date of Decision:-04.05.2023

KRISHAN @ CHHOTU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Afzal Hussain , Advocate
for the applicant/petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

CRM-17762-2023

1. In view of the reasons mentioned in the application, the same is allowed and the main case is ordered to be taken on board today itself.

Main Case

1. Prayer is for grant of regular bail in case having FIR No.411 dated 1.5.2022 registered under Sections 457, 380, 379-B, 120-B, 420, 467, 468, 471 IPC and Section 25 of Arms Act, at Police Station Camp Palwal, District Palwal.

2. The allegations in nut-shell are that on 1.5.2022, complainant-Sohan Lal Ahuja reported to the police with regard to theft of ATM No.ND286200 containing Rs.25,33,500/- from the area of Palwal at about 2:45 am on that very day.
3. The counsel for the petitioner submits that the FIR was registered against the unknown persons who committed theft of aforesaid ATM during the night time and co-accused Chand Khan was arrested by the police, who made alleged disclosure statement against the present petitioner, resulting in his arrest on 14.5.2022. The counsel for the petitioner further submits that there is one another case registered against the petitioner, in which he is enlarged on bail. The counsel further submits that after completion of investigation, challan stands presented but charges are yet to be framed and even thereafter it will take considerable time for the trial to conclude. The counsel for the petitioner further submits that it is a subject matter of trial with regard to veracity and admissibility of the disclosure statement made by the co-accused.
4. The instant petition is resisted by the State counsel, who submits that FIR in this case was registered against unidentified person who committed theft of ATM in the area of Palwal during night time and that during investigation, the petitioner was nominated as accused on the basis of disclosure statement made by co-accused Chand Khan on 14.5.2022 and thereafter recovery of Rs.82,000/- out of the stolen amount was effected from the petitioner, during the investigation of this case. However, the State counsel has not disputed the fact that the

presently the petitioner is lodged in judicial custody and that challan has been presented and charges are yet to be framed. The State counsel has not disputed the fact regarding grant of bail to the petitioner in connected matter vide order dated 22.2.2023.

- 5. I have considered the submissions made by counsel for the parties.
- 6. Admittedly, the FIR was registered against the unknown persons and during investigation, the petitioner was nominated as accused on the basis of disclosure statement of Chand Khan, which would be tested during trial and recovery has already been effected and after the completion of challan, police has presented the challan. As has been submitted by the counsel for the petitioner that the petitioner is already enlarged on bail in another criminal case faced by him. So no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.
- 7. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

04.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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