

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

CRM-M-47202-2022

Date of Decision:-12.01.2023

Moni.

.....Petitioner.

Versus

State of Punjab.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. B.S. Aulakh, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.197 dated 25.07.2022 under Sections 457, 380, 411, 413 IPC registered at Police Station City Malout, District Sri Muktsar Sahib.

The present FIR came to be registered at the instance of Vikram @ Vikki who stated that he was a property dealer. On 23.7.2022 he had gone to meet his younger brother at Sector 61, Chandigarh and had entrusted the responsibility of looking after his house to Aunt Kanta Devi and her sons Rahul Kumar and Akash Kumar. When he returned back, his Aunt Kanta Devi told him that his house had been burgled. On entering inside the house he found that wooden almirah was broken and the locker inside it was also broken. Some unknown persons had stolen Rs.5 lacs, one gold

chain, four gold rings, one pair of ear rings, one pair of ear rings along with *chamkian* weighing 1-1/2 Tolas and 01 Kg silver jewellery on the night intervening 24/25.7.2022. Despite efforts to search for the accused no clue about the accused persons was found by him.

The Counsel for the petitioner contends that the petitioner is not named in the FIR. However, during investigation the complainant got recorded his supplementary statement wherein he named one Shera as the accused who had committed the theft. Thereafter Shera was nominated in the present case and on his arrest made a disclosure statement that he had sold all the stolen articles to petitioner Moni Kabaria. Thereafter the petitioner was arrested and recovery of 700 grams of Silver, 04 tolas of gold and Rs.4 lacs was effected. The accused Shera had also got recovered Rs.1 lac cash in pursuance to his disclosure statement. He contends that taking the allegations to be correct, the petitioner is only liable for an offence under Section 411 IPC . Though the petitioner was an accused in 04 other FIRs, he had been granted the concession of bail in each of the cases. The petitioner was in custody since 02.08.2022 and since none of the 18 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded any time soon and as such the further incarceration of the petitioner was not required.

The Counsel for the State on the other hand contends that the petitioner got recovered a huge quantity of stolen goods. The criminal antecedents of the petitioner did not entitle him to the grant of bail. He however, admits that the petitioner is in custody since 02.08.2022 and none of the 18 prosecution witnesses have been examined so far.

I have heard learned Counsel for both the parties.

Admittedly, the petitioner is in custody since 02.08.2022 and the trial is yet to begin. As many as 04 other FIRs stands registered against the petitioner. However, in each of those FIRs the petitioner has been granted the concession of bail vide orders collectively placed on record and marked as Mark-A.

In view of the attending facts and circumstances, as the trial was not likely to be concluded any time soon, the further incarceration of the petitioner was not required.

Thus, without commenting on the merits of the case, the petitioner-**Moni** son of Sh. Des Raj is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the cases mentioned in the present order.

In addition, the petitioner (or any one on his behalf) shall prepare a FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 12, 2023
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>