

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-52857 of 2022

Date of Decision: 06.01.2023

Rajesh @ Rinku

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. R.S. Dhull, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

HARINDER SINGH SIDHU, J.

Prayer is for grant of regular bail in case FIR No.479 dated 22.06.2021 under Sections 379,420 IPC registered at P.S Karnal City, District Karnal.

FIR was lodged on the complaint of one Sushil Kumar, who stated that on 22.06.2021 at about 1.30 p.m, while he was present at his shop stated to be known as “Kaka Flour Mill”, the petitioner came to him, claiming to be a friend of son of complainant. He asked the complainant to show him the gold chain, which he was wearing and expressed interest in purchasing the same as he liked the design. When the complainant handed him over the gold chain in good faith, the petitioner ran away from the spot along with the gold chain, which weighed about two tollas, on his motorcycle. Petitioner along with co-accused Mukesh Kumar was arrested on 27.07.2021. It is alleged that on their disclosure, a sum of Rs.20,000/- received from sale of gold chain, was recovered.

Learned counsel for the petitioner contends that the complainant Sushil Kumar, who has been examined as PW4, has not identified the petitioner as the person, who had taken away the gold chain from him. Apart from Sushil

Kumar-complainant, there is no other eye-witness to the incident and that the petitioner has been behind bars since 27.07.2021.

Learned State has opposed the prayer contending that the petitioner is a habitual offender being involved in as many as 27 cases of similar nature and he has even been convicted in some of them.

Without commenting anything on the merits of the case and also bearing in mind the custody period besides the fact that the complainant, who was the sole eye-witness has turned hostile, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Rajesh @ Rinku is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found indulging himself in similar offence while on bail.

January 06, 2023

manoj

(HARINDER SINGH SIDHU)**JUDGE**