

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

CRM-M-55956-2022
Date of Decision:-**21.02.2023**

SHEETAL SHANSHI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Suram Singh Rana, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.64 dated 20.4.2010 registered under Sections 395, 412 IPC at Police Station Pinjore, District Panchkula.

The FIR in this case was registered against 10/15 unidentified persons having muffled faces, who entered Rishi Aashram in the area of Pinjore and committed theft of jewellery, cash and some other valuable articles and they also attacked the inmates of said Aashram and caused injuries to them.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, which was registered against unknown persons who committed theft in Rishi Aashram on the night intervening 19/20.4.2010. The counsel for the petitioner further submits that the petitioner was nominated as accused on the basis of disclosure made by co-accused Maggar Singh, who already stands acquitted by the trial Court vide order dated 22.9.2011 (Annexure P-2). The counsel for the petitioner further submits that even otherwise the veracity and relevance of the said disclosure made by co-accused Maggar Singh would be tested during trial. The counsel for the petitioner further submits that the petitioner is in custody for the last 1 year and 1 month and the trial is not progressing ahead. So prayer is made that the petitioner be released on regular bail.

The instant petition is contested by the State counsel who on instructions from SI Ajit Singh submits that during investigation it was revealed that the petitioner has committed theft in the Rishi Aashram. However the State counsel has not disputed the fact that the petitioner is in custody since last 1 year and 1 month and the FIR in this case was registered against unknown persons and some of the co-accused namely Nitti @ Vinay @ Pandit, Badal @ Ravi and Maggar Singh @ Sukhwinder Singh are already acquitted by the trial Court vide order dated 22.9.2011. The State counsel also apprised the Court that till date no prosecution witness has been examined and all 18 witness remains to be examined on behalf of the prosecution.

I have considered the submissions made by counsel for the parties.

The FIR in this case was registered against unidentified person who committed theft in Rishi Aashram. As has been submitted by the counsel for the petitioner, the petitioner was nominated as accused on the basis of disclosure of co-accused Maggar Singh, who already stands acquitted vide order dated 27.9.2021. Further the relevance and admissibility of the alleged disclosure statement of co-accused is subject matter of trial. The petitioner is in custody for the last more than 1 year and 1 month and is stated to be involved in only 1 criminal case. Admittedly the trial is not going ahead as till date, no PW is examined.

In view of the above, no purpose is going to be served by detaining the petitioner behind the bars for any longer period as conclusion of trial will take long time..

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.

(KARAMJIT SINGH)
JUDGE

21.02.2023
Gaurav Sorot

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