

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

**CRM-M-11815-2024**

**Date of Decision:-12.03.2024**

**Rinku.**

.....Petitioner.

Vs.

**State of Haryana.**

.....Respondent.

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

**Present:- Mr. Kuldeep Singh Siwach, Advocate for the Petitioner.**

Mr. Deepinder Singh Brar, Senior Deputy Advocate General,  
Punjab.

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**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.12 dated 13.01.2022 under Section 380, 457 IPC registered at Police Station City Ratia, District Fatehabad.

2. The present FIR came to be registered at the instance of Harshan Kumar which reads as under:-

“ To The SHO Police Station City Ratua District Fatehabad.  
Subject about theft in the house. Sir, it is requested that, I Harshan Kumar son of Late. Vinod Kumar resident of ward No.15 Ratia, behind Vijay (Ara) and studing. My mother Sunita Devi has gone to my sister Poonam Rani in London (England) for about a month and I stay alone at home. That on dated 01.012022 I had locked my housed at around 9 am in the morning and had gone to my sister Neelam Rani in Karnal. When I returned to my house yesterday on 12.01.2022, I saw that the locks of the room inside were broken and the items kept inside the rooms were scattered. When I took care of the things kept in my house, I found two gas cylinders kept in the kitchen of my house, a gas stove, a grinder, a mixie juicer, some utensils (bartan) etc. and an LED, inverter,

*battery and some important document kept in the cupboard in the room were found missing. Upon which I personally inquired about the above mentioned items missing from my house and till now nothing has been found. That some unknown person has stolen the above mentioned items from my house between 01.01.2022 to 12.01.2022. You are requested to find out the unknown person and take legal action against them. Dated 13.01.2022 Sd/- Harshan Applicant Harshan Kumar son of Late. Vinod Kumar resident of ward No.15 behind Vijay Ara Ratia Mob:- 74040-24323, Mob. 98139-33739."*

3. During the course of the investigation Sher Singh @ Shery, Tarun and Sikander @ Ravi were arrested and named the present petitioner. While the report under Section 173(2) Cr.PC came to be presented against the other accused, the petitioner was declared a proclaimed offender and came to be arrested only on 11.05.2023.

4. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The allegations as set out in the FIR are unbelievable. However, taking the allegations to be correct, the petitioner is stated to have been named in the confessional statement of his co-accused which was inadmissible in evidence. As the petitioner was a young boy of the age of 24 years, in custody since 11.05.2023, he was entitled to the concession of bail as none of the 09 PWs had been examined so far and therefore, the Trial of the present case was not likely to be concluded anytime soon.

5. The Counsel for the State contends that the petitioner was declared a proclaimed offender and came to be arrested only later. Therefore, his conduct did not entitle him to the grant of bail. He however concedes that the petitioner was a first time offender, in custody since 11.05.2023 and that none of the 09 PWs had been examined so far.

6. I have heard learned Counsel for the parties.
7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is stated to be a first time offender, in custody since 11.05.2023 and none of the 09 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required, moreso when all the co-accused have already been granted the concession of bail.
8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Rinku** son of Sh. Amar Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
9. 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 each time that he is not involved in any other crime other than the cases mentioned in this order.
10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- 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 the trial without sufficient cause.
11. The petition stands disposed of.

( JASJIT SINGH BEDI )

JUDGE

March 12, 2024

Vinay

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |