



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

238

CRM-M-23927-2024
Date of decision: August 12th, 2024

Roshan Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.41 dated 25.05.2023 under Sections 454, 379 B (2), 506, 34, 411 and 201 of the IPC registered at Police Station Punjab Agriculture University (PAU), District Police Commissionerate Ludhiana.

2. Learned counsel for the petitioner submits that a perusal of the FIR, which has been annexed as Annexure P-1, reveals that it had been registered against three unknown persons, who entered the house of the complainant with their faces masked; thereafter, the alleged assailants after gaining forcible entry into the house of the complainant, physically assaulted the family of the complainant and snatched their gold ornaments along with some cash. Learned counsel submits that in the FIR in question, no details were given with respect to the physical attributes of the alleged assailants. However, subsequently one of the co-accused Gurjit Singh was arrested, who then allegedly suffered a

disclosure statement nominating the petitioner as being one of the other two persons, who had accompanied him to the house of the complainant on the fateful day. Learned counsel has submitted that thereafter a recovery of one pair of gold earrings and one pair of gold bangles were shown to have been affected from the petitioner, which was then identified by the complainant party as being one of those articles which had been snatched away by the unknown assailants. Learned counsel has submitted that since the petitioner has no criminal antecedents, coupled with the fact that not only the investigation in the present case is complete and charges also stand framed, further incarceration of the petitioner in the circumstances would serve no useful purpose, more so since 14 witnesses have been cited by the prosecution, and it is also a matter of record that in the preceding two to three dates, the complainant has failed to appear before the trial Court to get her evidence recorded.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Dimple, has not been able to dispute the stage of trial; it has also not been disputed that the petitioner has no criminal antecedents.

4. On a pointed query, learned State counsel, on instructions, has also not disputed that after the charges were framed on 14.04.2024, the trial Court had adjourned the case repeatedly on account of the non-appearance of the complainant to get her evidence recorded. However, learned State counsel has submitted that after the petitioner was nominated as an accused in the present case, some of the gold ornaments belonging to the complainant party were not only recovered from him but even identified as being one of the gold ornaments, which

had been snatched from the complainant party in the occurrence in question.

5. I have heard learned counsel for the parties and perused the material placed on record including the FIR, which stands reproduced hereinunder:-

“Statement of Ramesh Kumar son of Late Mr. Hari Chand, Resident of House No. 41-A, Greater Kailash, Opposite Radha Swami Satsang Bhavan Near Penta Box, Hambra Road, Ludhiana Aged about 62 Years Mobile No. 98140-03279. Stated that I am a resident of the said address and I doing business. On 23-5-2023 the time was about 2:32 PM, I was present in my shop at Aggarwal Dharamsala near Shivala Road Ludhiana when I got a call from my wife Seekha Jindal saying that you should come home soon as there has been an incident happened with us. At around 3:00 PM, When I reached my house, I saw that the net of main door of our house was broken and the door was locked from outside then I opened the door then my wife Seekha Jindal told me that I and Our son Madhav Jindal and my mother was at home. My mother Raj Rani was in her room and my wife was in her separate room then the time was about 2:15 PM, then suddenly three unknown persons entered our house with their faces tied. My wife was sleeping then those boys grabbed my wife by her feet and hit her on her legs with a rods and they snatched four gold bangles weighing about 68 grams, three gold rings weighing about 25 grams and demanded cash money from my wife and searched the house. Then they went to my room where they forcibly took off her gold bangles weighing 4 tola and ear tops along with the supports of 2 tola gold and then broke the locker of her cupboard and took 2 gold bangles weighing 4 tola, they took away a gold chain weighing 25 grams and a gold ring and 15 thousand rupees and while leaving they threatened to kill us that if we tell anyone about this incident, we will kill your family. They went away after locking the lobby's door from outside and we have been searching for them on our own till now, but we did not know anything about them, that unknown persons have illegally entered the house secretly and forcibly took away the

belongings. Appropriate legal action should be taken against abovesaid persons.”

6. The petitioner has now been in custody for more than one year having been arrested on 03.06.2023. The trial would take considerable time to conclude as none of the 14 witnesses cited by the prosecution have been examined till date. Concededly, the petitioner is not involved in any other criminal case much less a case of similar nature. Hence, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 12th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No