



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-27183-2024

Date of decision: 30.05.2024

Hari Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raman Kumar, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.95 dated 23.04.2024 under Sections 379 of the IPC (Section 201 of the IPC added lateron) registered at Police Station Saha, District Ambala.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case for allegedly stealing a CCTV camera from the Panchayat land. He submits that the petitioner's false implication is evident from the fact that he is not involved in any other criminal case. It has also been submitted that nothing is to be recovered from the petitioner and hence, his further incarceration would serve no useful purpose as the trial would take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer



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made by learned counsel for the petitioner, on instructions from HC Kamal Kumar, has not disputed that the petitioner has clean antecedents. It has also not been disputed that the only role attributed to the petitioner is of having stolen a camera from the Panchayat land. Learned State counsel, however, submits that the investigation is almost complete and challan is likely to be presented in the near future.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. Before proceeding further, it would be apposite to reproduce the relevant portion of the FIR, which reads as under:-

“it is written to your service that the Sarpanch, Gram Panchayat Dinarpur (Hasanpur) unanimously passed a resolution and informed the block office through resolution no. 1 dated 19.04.2024 that on the night of 18.04.2024, 3 cameras have been stolen by some mischievous elements of the village. Before the said date, the Panchayat had removed the illegal occupation from the Panchayati land. Some mischievous elements came into his possession and stole 3 cameras. These cameras are the property of the Panchayat and were installed for the convenience of the general public. The people on whom Gram Panchayat Dinarpur has suspicion are Gurcharan (Tik) son of Kalu Ram, Pampi son of Kaluram, Maut son of Sukhbir, Harry son of Amarjeet, Neeraj son of Jasbir, Sukhwinder son of Gurcharan Happy son of Nirmal Singh. Therefore, the original form of the resolution of Sarpanch Gram Panchayat Dinarpur is enclosed with this letter, you are requested to investigate the matter and take legal action against the culprits.”

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as there is no possibility of the trial concluding in the near future and as also not disputed by the learned State counsel, the petitioner has no

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criminal antecedents.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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.

30.05.2024

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No