



205

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29443-2024
Date of decision : 05.07.2024

Harjit Singh @ Jita
.....Petitioner

versus

State of Punjab
..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Jasdeep Singh, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

Present petition has been filed by the petitioner under Section 439 Cr.P.C. praying for grant of regular bail in case FIR No.0015 dated 05.02.2021, under Section 457, 380 IPC registered at Police Station Division No.2, Pathankot.

Adumbrated facts of the case are that the complainant has made a complaint before the police wherein it was alleged that on 06.12.2017 in the evening petitioner-Harjit Singh @ Jita along with two unknown persons and one driver of the Bolero car came to her residence at Ram Sharnam Colony, Pathankot. They stayed in their house and in the night petitioner-Harjit Singh @ Jita committed theft of Rs.18,30,000/-. Regarding this occurrence, FIR was lodged on 05.02.2021 on the basis of the allegations made by the complainant. The petitioner thereafter was declared a proclaimed person on 21.07.2023, however, he surrendered on 12.02.2024. Thereafter, the petitioner approached the Learned Special Court, Pathankot praying for grant of bail, however, after hearing both the sides, the same was declined by the Ld.



Special Court, Pathankot vide order dated 18.04.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

Learned counsel for the petitioner has vehemently contended that the present FIR is nothing but an abuse of the process of law. He submits that as per the allegations, alleged occurrence had taken place on 06.12.2017, however, no complaint whatsoever was made by the complainant regarding the allegations made in the FIR. Thereafter, in a deliberate manner the FIR was lodged on 05.02.2021, wherein false and fabricated allegations have been levelled against the petitioner. He submits that the petitioner was not aware regarding the registration of the FIR which was lodged against him and he was declared a proclaimed person behind his back. On coming to know about the same, he surrendered before the Investigating Agency on 12.02.2024 and since then he is behind bars. He submits that the petitioner has no criminal antecedents and has been falsely implicated in this case. Even otherwise the investigation is complete and charges are also framed. He submits that in the overall facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the petitioner was declared a proclaimed person as he could not be arrested. He submits that the specific allegation against the petitioner are regarding the offence committed by him. However, it is submitted that the investigation is complete and charges are also framed in the present case. He submits on instruction that the petitioner is not involved in any other case except the present one.

Heard. On hearing counsel for the parties and perusing the record, it is apparent that the alleged occurrence had taken place on 06.12.2017 whereas the FIR was lodged in 2021. The petitioner though was declared proclaimed person, however, he surrendered on 12.02.2024 and



since then he is behind bars. There is nothing on record to show that petitioner is involved in any other case except the present one. As submitted, investigation in the present case is complete and charges are also framed.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.07.2024
ps-I

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No