

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

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2024:PHHC:097629

**CRM-M-30377-2024****Date of decision: 31.07.2024****Abhishek @ Khora****....Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Sidharth Maini, Advocate
for the petitioner.
Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.42 dated 06.03.2024, under Section 457, 380, 201 IPC, registered at Police Station City Sangrur, District Sangrur.

ALLEGATIONS AGAINST THE PETITIONER

2. On the statement of one Ravinderpal son of Prtiam Chand, the aforesaid FIR, has been registered which reads as under:-

“Complaint Sh. Ravinderpal S/o Pritam Chand resident of house no 115, Guru Nanak Colony, Sangrur, age 64 years, Mobile No. 99880-33603. I was retired from Govt. Sen Sec School, Saro as the Lecturer post. Me and my wife Urmila rani situated in the house and my son Abhishek Gupta live in Hyderabad with his family. Then me and my wife went to Hyderabad on 24/11/2023 to meet our son. The house was locked and our neighbor Naresh Kumar S/o Sh. Karam Chand on 03/03/2024 told us that there was no window AC in your bedroom.

We came on 04/03/2024 at our house, that the things we are in one place and another. The gold locket of children, 1 pair of children's earrings, 2 gold nose pins, 1 silver decoration set, 1 silver Kajal Box, 1 pair of silver anklet, 1 silver bracelet, 5 silver coins, 1 silver utensil, 4 silver glasses, washing machine automatic of Samsung, 1 semi washing machine of LG company, 26 water taps, 2 shower, 2 Toilet jet System, 1 Amaron company battery, 1 LCD 32" of LG company, 1 Gas stove with 4 burner, 2 Gas cylinders, 1 microwave of LG company, 1 DVR of HIK vision company, 1 WIFI modem of JW company, 1 Hand Blender, utensil/clothes etc., and Rs. 15000/- cash were stolen. These things were stolen by some unknown person. Thereafter I went to police station to give the information, please register the FIR against the unknown person. The information is read and is correct complainant and Ravinderpal @ Ram Singh ASI police station Sangrur, dated 06/03/2024 constable Inderjeet Singh 1544 and Sh. Lovepreet Singh along with present in the police station. Complainant Ravinderpal Singh gave the information which is read and heard and is correct and he gave his signature in English.

On the basis of above information under IPC Acts 457, 380, the case/FIR was lodged against the unknown person/persons and constable Sh. Lovepreet Singh will be called to the police station. That FIR was lodged at the Near Main Gate police station Sangrur, time 08.55 PM @ Ram Singh police station Sangrur, on date 06/03/2024 against an unknown person, recording was done. An information was sent to the Incharge Control Room and senior officer Sangrur. The original Statement alongwith FIR constable Lovepreet Sharma 2248 @ Ram Singh 1718 was lodged."

3. The prosecution case is that, the complainant Ravinder Pal, alleged that, while they were travelling out-station to Hyderabad, a theft has taken place at his house, and someone has stolen articles from their house. During investigation, the present petitioner was arrested, and recovery of stolen articles was effected from present the petitioner.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONER

4. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

- (i) Petitioner has suffered incarceration of more than 04 months, as on today;***
- (ii) The trial of the case is at an initial stage.***
- iii) That the offence committed by the petitioner in the instant matter is triable by the magistrate.***

SUBMISSIONS OF THE LEARNED STATE COUNSEL

5. Per contra, the learned State counsel, has vociferously opposed the grant of regular bail to the petitioner, and submits that the petitioner is a habitual offender, and as per the custody certificate there are as many as 04 other cases registered against him, and out of the said 04 cases, he is already on bail in 03 cases

06. The right to a speedy trial is one of the rights of a detained person. However, while deciding application for regular bail, the Courts shall also take into consideration the fundamental precept of criminal jurisprudence, which is “the presumption of innocence”, besides the gravity of offence(s) involved.

07. This Court has examined the instant petition and is of the considered opinion that the instant petition is amenable for being allowed.

12. The reason for forming the above inference emanates from the factum that:- (i) The petitioner has suffered incarceration of 04 months and 19 days; (ii) Recovery of stolen articles has already been effected from the petitioner; (iii) No fruitful purpose would be served by keeping the petitioner behind the bars, (iv) Trial is not likely to conclude anytime soon.

FINAL ORDER

13. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner.

Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

14. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

15. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

16. All pending application(s) stand **disposed** of accordingly.

31.07.2024

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No