



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-36480-2024 (O&M)
Date of decision: November 22nd, 2024

Nitin Kumar @ Nitin Bansal
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-33407-2024

Prayer in the application is for incorporating Sections 201, 34 and 411 of the IPC in the head note as well as prayer clause of the main petition.

In view of the averments made in the application, the same is allowed.

Registry is directed to add Sections 201, 34 and 411 of the IPC in the head note and prayer clause of the main petition.

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Petitioner is seeking the concession of regular bail in FIR No.168 dated 09.05.2024 under Sections 406, 420, 379, 506, 201, 34 and 411 of the IPC registered at Police Station Zirakpur, District S.A.S. Nagar.

2. Learned counsel for the petitioner submits that all the offences, for which the petitioner has been charged, are triable by

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Magistrate; the petitioner has been in custody since 11.05.2024 and not only has the challan been presented but even charges framed, hence, further incarceration of the petitioner in the present case would serve no useful purpose as there can be now no possibility of the petitioner tampering with evidence, more so when the case of the prosecution hinges on documentary evidence.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite has reiterated the allegations levelled in the FIR in question, which stands reproduced hereinunder:-

*“Statement of Sandeep Dalal son of Sh. Dharampal, resident of Flat No.16-A. Metro Town, Peer Muchhala, Police station Dhakoll, District S.A.S. Nagar, age about 41 years (Mobile No.94163-78752), Stated that I am resident of the above mentioned address. My shuttering shop is in Village Sanauli, Police station Zirakpur which I have named "SD Shuttering Store". I was familiar with **Nitin Bansal** son of Ishwar Dayat Barisal, resident of House NO:411, Near Government School, Darus, Chandigarh (LIT), who used to take furnace and shuttering on rent and give it to the contractors. On 20.12. 2023, Nitian Bansal came to me and told me that I know the owner of Ahlawat Construction Company. Hallo Majra with whom I will introduce you later who needs a lot of shuttering goods. So I got into Nitin's words and he carried shuttering goods on different dates from 20.12.2023 to 15.04.2024, which includes our Base check 1275 piece. U-Jeck 1298 piece, Challi 16 piece, Channel 12 ft.118 piece, Channel 11 ft 105 piece, Channel 10 ft.-262 piece, channel 9 ft.-241 piece, Channel 8 ft. 420 piece, Channel 7 ft. 346 piece, Channel 6 ft.-282 piece, Channel 5 ft. 280 piece, Channel 3 ft. 733*



piece, Cup Lock 3 meter- 2226 piece, Joint Pin-1130 piece. Ledge 1 meter 100 piece, Ledger 1-2 meter-5415 meter, Ledge 1-1/2 meter-496 pieces, 1865 plates of 4/2, 507 plates of 4%, 1505 plates of 4%, 755 plates of 4%, 1842 plates of 4-1, 559 plates of 4.75, 421 plates of 4.50, 647 plates of 3-2, 57 plates of 3-3/4, 384 plates of 3%, 447 plates of 3/4, 1049 plates of 3-1, 372 plates of 3.75, 225 plates of 3.50, 253 pieces of 3 2/2, 663 pieces of MS Crob 3/2 (All items are of Iron good), the total weight of shuttering goods comes to 300 ton. He give me the rent until February 2024. Then **Nitin Bansal** stopped paying me rent and did not even return my shuttering goods. When I used to ask **Nitin Bansal** about paying the rent, **Nitin Bansal** used to make excuse one pretext or the other. I have kept Kallu son of Mathura, resident of Village Bhithan Maha Singh. District Hardoi (UP) as a servant at my shop who told me that a few days ago, Nitin Bansal came to the shop in a Pick-up vehicle at night who intimidated him and stole the shuttering goods in a Pick-up vehicle and on the way, he was threatened that you should not tell your owner, so he scared and told me later whose phone is also switched off. So I searched for Nitin Bansal on my own at his relatives and other locations but nothing was found. Finally, today, I alongwith Pardeep Kumar son of Balvir Singh, resident of Flat No.48-C. Metro Town, Peer Muchhala was coming to the police station for giving information where you met us at Kohinoor Dhabha, Zirakpur where I narrated the whole episode/conversation to you. Nitin Bansal has committed breach of trust by taking me into his confidence and has misappropriated and stolen my shuttering goods. So it is requested that appropriate legal action be taken against Nitin Bansal and justice be done to me. Sd/- Sandeep (Mobile No.94163-78592), confirmed by Sd/- Pardeep Kumar (Mobile No.99147-



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53787), verified by sd/- Dharam Singh, ASI Police station Zirakpur Dated: 09.05.2024.”

4. However, learned State counsel, on instructions, has not disputed the custody period of the petitioner and also the stage of trial. It has also not been disputed that the case of the prosecution is based on documentary evidence, which is now part of the challan.
5. I have heard learned counsel for the parties and perused the material placed on record.
6. In the facts and circumstances as enumerated hereinabove, 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.

November 22nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

:

No