



CRM-M-45384-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-45384-2024

Date of decision: 17th September, 2024

Khushpreet Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 61 dated 07.03.2024 registered under Sections 380, 457 and 511 of IPC (Sections 411, 102-B of IPC added later on) at Police Station Sadar Pehowa, District Kurukshetra.

2. As per the prosecution case, on 07.03.2024, a written complaint was filed by the complainant Raj Kaur alleging therein that she used to stay in the house of her sister Satwant Kaur who was living abroad, at Village Siyana Khurd from the last three years. On 03.03.2024, Satwant Kaur had come to India. On 06.03.2024, the complainant along with Satwant Kaur had



gone to village Channpura Chailon. In the morning of 07.03.2024, she received telephonic call from her neighbour informing that lock of their house was broken. On coming back to their house, they found that locks of all the rooms were broken and gold ornaments weighing 25 tolas and 1100 Euros kept in a bag in the cupboard of the house were stolen by some unknown person. A case under Sections 380, 457 and 511 of IPC was registered. Investigation proceedings were initiated. During investigation, the accused Akhilesh Paswan, Suman Rani and Jagdish who were in custody in some other case suffered disclosure statements admitting their involvement in subject crime and also took the names of the co-accused and the petitioner who were involved with them in committing the subject offences. They also got recovered one gold necklace and three euros. The petitioner and the co-accused were subsequently arrested. Twenty euros were recovered from the petitioner. Offences under Sections 411 and 120-B of IPC were added. The petitioner had moved an application for grant of regular bail which was dismissed by learned Additional Sessions Judge, Kurukshetra vide order dated 03.07.2024.

3. It is argued by learned counsel for the petitioner he has been falsely implicated in this case on the basis of disclosure statement of the co-accused. Investigation has been completed. Challan has been presented. Trial is likely to take time. He has a permanent abode. There are no chances of his absconding or intimidating the witnesses. He is ready to abide by all the conditions as put by this Court. His further detention would not serve any



useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel who has advance notice of the petition and is ready to argue the matter, has argued that the petitioner is a habitual offender as three more criminal cases are pending against him. There are chances of his absconding, if extended benefit of bail. There are serious allegations against him. Hence, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner in connivance with the co-accused is alleged to have committed theft of gold ornaments and cash amount of money from the house of the complainant on 07.03.2024. Investigation has since been completed. Challan has been presented before the learned trial Court. The trial is likely to take time. The petitioner has been nominated as an accused in other cases but only due to that reason he cannot be denied benefit of bail in this case. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the nature of the allegations as levelled against the petitioner, the period spent by him in custody, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be



allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

17th September, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |