



CRM-M-51334-2023

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**290 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-51334-2023
Date of decision: 7th August, 2024**

Sinder

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Dhull, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed by the petitioner seeking benefit of regular bail in case arising out of FIR No. 135 dated 19.05.2021 initially registered under Section 379 of IPC, 1860 at Police Station Uchana, District Jind.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Ram Singh on 19.05.2021, alleging therein that he was a native of District Jodhpur, Rajasthan. About two months back, he had brought herd of his sheep for grazing at Village Budayan, District Jind, Haryana and had been staying therein. On the intervening night of 18/19.05.2021, he had settled his herd in the farms near Kendriya Vidyala, Budayan. In the next morning, he found that 120 sheep from his herd had been stolen by some unknown person. He prayed for



taking action in the matter. After registration of FIR, investigation proceedings were initiated. Fifty unclaimed sheep were found near village Budayan during the course of investigation and the same were identified by the complainant to be owned by him. Custody of the same was handed over to him on *superdari*. After collecting call detail records of some suspicious phone numbers, the co-accused Vikas @ Pinda was apprehended and arrested on 04.06.2021. During interrogation, he besides admitting his involvement in the theft of the sheep, disclosed the names of other persons involved with him and the name of petitioner was one of them. He was arrested on 04.06.2021. The co-accused were also arrested and all of them were subsequently extended benefit of bail by the Court of learned Sessions Judge, Jind vide order dated 12.12.2022. The petitioner absented himself on 01.02.2023 and was arrested again on 17.02.2023. He moved an application for grant of regular bail which was dismissed by the Court of learned Sessions Judge, Jind vide order dated 19.09.2023.

3. It is argued by learned counsel for the petitioner that he is in custody since 19.09.2023. The trial is likely to take time. He could not appear before the trial Court due to the fact that he was arrested in another case bearing FIR No. 168 dated 08.04.2018 registered at Police Station Sadar, Ratia and was in custody and had been extended benefit of bail only on 25.09.2023 in that case. His absence was not intentional. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has resisted the prayer made by learned counsel for the petitioner in terms of status report by submitting that the



petitioner is a habitual offender and as many as seven criminal cases are lodged against him. He misused the concession of bail previously granted to him. While admitting that he was in custody in some other case since 03.04.2023, it is urged that since he has absented from trial on 01.01.2023 i.e. prior to 03.04.2023, therefore, no reasonable ground has been made out for allowing the petition. Accordingly, 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 was taken into custody on 17.02.2023 and had been directed to be released on bail vide order dated 21.11.2023 as passed in this petition. He is on interim bail since then. There is nothing on record to show that he has misused the concession of bail so granted to him. Trial is likely to take time. Keeping in view the nature of subject offences and taking into consideration, the period previously spent by him in custody, I am of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the order dated 21.11.2023, whereby he was ordered to be released on bail, is confirmed.

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

[MANISHA BATRA]
JUDGE

7th August, 2024

Parveen Sharma

- 1. Whether speaking/ reasoned
- 2. Whether reportable

: Yes / No
: Yes / No