



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.52270 of 2024
Date of Decision: 25.10.2024

Pawan Kumar ... Petitioner

Versus

The State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Satbir Singh Gill, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
106	22.02.2024	Sirsa City, District Sirsa	380 and 457 of IPC

2. As per the prosecution case, on 21.02.2024, the complainant Gaurav had gone to his native village after locking his house. In the noon of 22.02.2024, when he came back, he found the lock of his house to be broken. On checking, he found that cash amount of Rs.3 lakhs and gold jewellery weighing about 12/15 tola belonging to his mother and himself had been stolen. He prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The

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petitioner was arrested on 20.03.2024. Recovery of the some of the stolen jewellery had been effected from him. Investigation has since been completed and challan stands presented before the trial Court.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case and a false recovery has been planted upon him. The complainant was witness to be alleged recovery but in his sworn deposition as recorded before the learned trial Court, he has stated that he was shown the recovered articles at the police station by the police officials and has falsified the allegation that the recovery was effected from the petitioner in his presence. The subject offences are triable by Magistrate. His further detention would not serve any purpose as trial is likely to take time. Therefore, it is urged that the petition deserves to be allowed.

4. Per contra, learned State has advance notice of the petition and placed on record a copy of custody certificate of the petitioner, has argued that the petitioner is a habitual offender since as many as five more criminal cases some of which are of similar nature are pending against him. There are chances of his committing similar offences or intimidating the witnesses, if extended benefit of bail. Therefore, 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.

6. The petitioner is alleged to have committed theft of gold jewellery and the cash amount of Rs.3 lakhs from the house of the complainant as on the intervening night of 21/22.02.2024. Some of the

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stolen articles are alleged to have been recovered from the petitioner in the presence of the complainant. Copy of testimony of the complainant has been placed on record which shows that he had stated that the police had called him at the police station one month after the incident and had shown the jewellery. He did not identify the petitioner. The subject offences are triable by Magistrate. The petitioner is in custody since 20.03.2024. No useful purpose would be served by keeping him in custody any more. It is well settled proposition of law that the bail is the rule and jail is an exception. Keeping in view the nature of the subject offences, the period of incarceration of the petitioner and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be released on bail. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

25.10.2024
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(MANISHA BATRA)
JUDGE

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