

CRM-M-64333-2023
Date of Decision: 14.02.2024

HEMLATA
2024.02.15 01:54
I attest to the accuracy and
integrity of this document

the house, she closed the main door. At about 05:00 AM, after paying obeisance towards Gurudwara Sahib of the village, she was standing in the courtyard of her house. When she moved to go inside the room, one person who was wearing mask, came inside the house and four other persons, who were also wearing masks came inside the house. All these persons had looted ornaments and Rs.15,000/- from her by showing her the weapons. They also locked the complainant and the children in upper store room and fled away from the house. Later on, with these main allegations, the FIR was registered in the present case.

4. Learned counsel for the petitioner contends that as per case of the prosecution, 5 persons had allegedly committed theft at the house of the complainant. However, the petitioner was neither named in the FIR nor there was any averment, which connected the petitioner with the alleged crime. Learned counsel for the petitioner contends that in the present case, the recovery of stolen articles has already been made from the co-accused of the petitioner. He further contends that the petitioner was arrested in the present case on 27.09.2023 and is in custody since then. The report under Section 173 Cr.P.C. has already been presented against him. He further contends that co-accused, namely Gurnoor Sidhu, has already been granted the concession of bail by this Court, vide order dated 02.11.2023 passed in CRM-M-50120-2023 (Annexure P-3).

5. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner and submits that the petitioner is not entitled to be released on bail.

6. I have heard the learned counsel for the parties and perused the record.

7. The petitioner was arrested in the present case on 27.09.2023 and is continuing in custody for the last about 05 months. After completion of the investigation, challan has been presented before the trial Court. Even, co-accused Gurnoor Sidhu has already been granted the concession of bail by this Court vide order Annexure P-3.

8. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involves in any other criminal

activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

14.02.2024.
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(N.S.SHEKHAWAT)
JUDGE

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