

2025:PHHC:076115



105

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31860-2025
DECIDED ON: 16.06.2025

SANJAY

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.82 dated 03.04.2025 under Section 305, 317 (2) 331 (5) of BNS 2023, registered at Police Station Kalayat, District Kaithal.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“One complaint has been produced by Anil Kumar son of Hawa Singh by coming to the police station, contents of which are that To the SHO Sahib Police Station Kalayat, District Kaithal. Sub: Regarding theft of suit in the shop. Sir, Requested that I Anil Kumar son of Hawa Singh is permanent resident of Shakti Nagar Kalayat, Tehsil Kalayat, District Kaithal. My wife whose name is Dolly, runs a shop namely ANNYE COSMATIC AND CLOTH near HDFC Bank

Kalayat. On dated 31.03.2025 in the noon in between 2:00 to 3:00 PM, about 30 suits were stolen from the shop and cost of all these is about Rs.45000/-. This incident of theft is recorded in the CCTV. In the CCTV four ladies are seen stealing the suits. I requested to you that by lodging the complaint against four women strict action be taken against them. Sd/- Anil Kumar ”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the disclosure statement of co-accused Sumitra & Sunita, against whom the allegation of theft of 30 lady suits has been made. It is further submitted that the only role attributed to the petitioner is his mere presence alongside the other co-accused. Counsel also points out an unexplained delay of three days in lodging the FIR, as the alleged incident occurred on 31.03.2025, while the FIR was registered only on 03.04.2025. Learned counsel undertakes on behalf of the petitioner that he is ready and willing to cooperate with the investigation and join it as and when required. The attention of this Court has been drawn to an order dated 07.05.2025 (Annexure P-2) passed by the trial Court vide which co-accused Sumitra and Sunita have already been granted the concession of regular bail.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Ms. Mayuri Lakhanpal Kalia, DAG Haryana, accepts notice on behalf of respondent/State. She prays for dismissal of the present petition stating that the petitioner is a local resident of Kalayat, District Kaithal and being fully acquainted with the local area facilitated the commissioning of the said crime.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially the fact that prima facie the allegation of committing theft against the petitioner could not be ascertained, as the same is subject matter of trial by way of evidence and the co-accused Sumitra and Sunita have already been enlarged on regular bail vide order dated 07.05.2025 (Annexure P-2) by the trial Court added with the fact that the petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under subsection (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person 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 from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

16.06.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>