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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-41016-2025

Date of decision : 05.08.2025

Ashwani @ Joni

....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Neha Randhawa, Advocate for
Mr. Sandeep Saini, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed by the petitioner praying for grant of regular bail in case FIR No.224 dated 18.06.2024, under Sections 380, 457, 436, 201, 411, 34 and 149 of IPC, registered at Police Station Sadar Jind, District Jind.

2. Succinctly the facts of the case are that the present case was registered on the statement complainant, namely, Suraj Bhan. It was alleged that on the intervening night of 17/18.06.2024, he came home after closing his shop. Thereafter, he received an information that his shop got fire. On hearing the same, he rushed back to his shop and found the CCTV camera of his shop was broken, the DVR and LED were also found missing and cash box from the shop was also found missing. The request was made to take the legal action against the culprits. On registration of FIR, investigation commenced. During investigation, the complicity of the petitioner surfaced thus, he was arrested on 28.08.2024. Some recoveries were also effected during investigation. The petitioner approached the learned Additional Sessions Judge, Jind, praying for grant of bail,



however, finding no merit and after hearing both the sides, the same was declined by learned Additional Sessions Judge, Jind vide order dated 16.07.2025. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-63191-2024 which was dismissed as withdrawn by this Court vide order dated 30.01.2025. Hence, the petitioner is before this Court praying for grant of bail by way of filing of present second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely prosecuted in the present case. She submits that the petitioner has been implicated in the present case only on the basis of presumptions and assumptions. She submits that after arresting the petitioner, the recoveries from him have been planted upon him by the investigating agencies. She submits that the petitioner has no criminal antecedents. She submits that the investigation is complete and charges are also framed. She thus, submits that in the facts and circumstances of the case, petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that during investigation, the complicity of the petitioner was surfaced and the LED stolen was recovered from him. He submits that investigation is complete and charges have been framed. He submits that out of total 14 prosecution witnesses, only 03 witnesses have been examined. He has produced on record the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on 28.08.2024. The custody certificate produced would show that he has suffered an incarceration of 11 months and 08 days as on 04.08.2025. It further

reflects that the petitioner has no criminal antecedents. As submitted before this Court, investigation is complete and out of total 14 prosecution witnesses, only 03 witnesses have been examined including the complainant.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.08.2025
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(RAJESH BHARDWAJ)
JUDGE

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