



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

252

CRM-M-64569-2024

Date of decision: 09.01.2025

TAPAS MONDAL @ KOCHI

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harpreet Pal Singh Rakhra, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.46 dated 06.05.2023 under Sections 420 and 406 of the IPC registered at Police Station E Division Amritsar District Amritsar.

2. Learned counsel for the petitioner has, at the outset, drawn the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1. It has been urged by the learned counsel that a perusal of the contents of the FIR reveal that the petitioner is neither named therein nor any suspicion much less by way of a whisper has been raised qua the involvement of the petitioner in the alleged theft of gold by co-accused Arun Mitya. It has been argued that the petitioner was arrested on 01.01.2024 following his nomination as an accused in the disclosure statement allegedly suffered by co-accused Arun Mitya wherein he falsely claimed that about 280 grams of gold which he had stolen from the



complainant and some other goldsmiths had been handed over to the petitioner. Learned counsel has submitted that in view of the allegations levelled against the petitioner and that too on the basis of a disclosure statement allegedly suffered by co-accused Arun Mitya, which holds poor evidentiary value, further incarceration of the petitioner would serve no useful purpose moreso since investigation is complete and challan also stands presented. It has also been urged that since all the incriminating material collected by the investigating agency against the accused is already part of the challan, there can be no risk of the petitioner tampering with the evidence.

On a pointed query put to the learned counsel as to whether the petitioner had any previous criminal antecedents, he has categorically replied in the negative.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from Inspector Hasandeep Singh, has not disputed the custody period of the petitioner nor has he disputed that investigation in the present case is complete and challan stands presented. It has also not been disputed, on instructions, that the petitioner even as per the allegations levelled in the FIR was not one of those accused who committed the theft in question. However, learned State counsel has reiterated that the petitioner had received 280 grams of stolen gold from the co-accused. Learned State counsel, on instructions, has also not refuted that the petitioner has no previous criminal antecedents.

4. I have heard learned counsel for the parties and perused the material placed on record.
5. In the facts and circumstances as enumerated hereinabove, as there is no likelihood of the trial concluding in the near future as 26 prosecution witnesses have been cited and as per learned State counsel none of them have been examined till date, this Court deems it fit to extend the concession of bail to the petitioner.
6. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

January 09, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

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