

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2025:PHHC:032966



(220)

CRM-M-11736-2025

Date of Decision: 07.03.2025

Sunil @ Sheelu

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. S.K. Bishnoi, Advocate for petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.229, dated 03.12.2024, under Sections 127(2), 3(5), 351(2) of BNS, 2023, Sections 309(4), 317(2) BNS, 2023 (added later on), registered at Police Station, Odhan, District Dabwali.

Learned counsel for the petitioner submits that petitioner has been in custody since 28.12.2024 for allegedly purchasing stolen gold and silver ornaments from the 3 co-accused, who carried out the theft in question at the premises of the complainant. Counsel has submitted that petitioner has no previous criminal antecedents; investigation in the present case is complete as challan already stands presented. However, since charges have not yet been framed coupled with the fact that as many as 13 prosecution witnesses have been cited, the possibility of the trial concluding in near future is remote and hence petitioner be admitted to bail.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed the custody period of the petitioner nor has he disputed the factual aspect of the role attributed to the petitioner in the crime in question. Learned State counsel has, however, reiterated the following allegations levelled in the FIR qua the 3 co-accused from whom the petitioner allegedly purchased the stolen articles:-

“To the SHO police station Odhan, subject: with regard to robbery committed at house. That in the night of 02/12/2024 we were sleeping in our house then in the night at about 2:00 o'clock I woke up and gave medicine to my child, then 3 persons with muffled faces entered into my house, they all were having sharp weapon Kappa, knife etc. cetera, they came in my room and they they pointed knife on me, my wife and the child and threatened that give us all your gold and the rupees otherwise we will kill your entire family. I told them with folded hands that please don't kill us, whichever the gold and rupees we are having, we will are giving you. I handed over to dacoits, my gold chain, earrings(Jhumka) of my wife, gold Mangalsutra, and kit of my wife having 15000/- Rs. snatched. They threatened to fire shot, and said what you are having except these items, they forced us to walk ahead of them on weapon point, they took us in the room of my father. My father and my mother were sleeping, they took out gold earrings of my mother from her ears and the gold ring from hand of my father, they broke open our Almira and took out 50 Tola Silver jewelry, 4 gold earrings and 22000/- Rs. Cash. after this, on hearing noise, my grand-mother came out of the room then took out her gold earrings and gold bangles out of her hands. Then they asked who is sleeping in the upper room, we said no one is there. They threatened again and said we will not ask you second time, tell truly otherwise we will fire shot, saying so one dacoit climbing on stairs, went on upper room,

there my taya ji and Tayi ji were sleeping, he threatened them that 'all your family is confined and will kill you if any noise is raised. You us all your gold, silver and the rupees'. My uncle and aunt (Taya ji and Tayi ji) got afraid at the spot. They opened the another gate of room and ran on open roof. Behind this dacoit broke the locks of amilras took out the diamond ring, gold, silver anklets of 40 tola silver coconut, 3 kara of children, 20000/-cash and expensive watches, one lady purse, and important documents of house and land and passbook, cheque-book, debit and credit cards and came on ground. They took from me key of my car No. HR24AA7700 and mobiles of all of us and all the articles and ran way. Thereafter we in very hardship took a mobile from our family members and informed the police by dialed on 112. After some time police vehicle of 112 reached thereafter our neighbors and family members. on police investigation our mobiles were recovered from fields. The abovesaid dacoits left our car on Bhuna Road and ran away. Our car and mobiles have been recovered but dacoits ran away with our gold and silver of Lacs of rupees and important articles. Dacoits have threatened us to kill if anyone is informed about this incident. Therefore it is requested you to get recover our articles and to take action against abovesaid unknown accused. I shall be Grateful. Dated. 03.12.2024, thanking you. Applicant Parmod Kumar son of Rohtash kumar r/o village Khai Shergarh Mobile: 7400680001."

On a pointed query, learned State counsel, on instructions, has not disputed that investigation in the present case is complete and challan stands presented.

I have heard learned counsel for the parties and examined the material on record.

The petitioner is not stated to be involved in any other criminal case much less a case of similar nature. The trial would take considerable time to conclude with charges likely to be framed only on the next date of

hearing, this Court deems it fit to admit the petitioner to bail.

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.

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.

(MANJARI NEHRU KAUL)
JUDGE

07.03.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No