

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

**CRM-M-27065 of 2020
Date of Decision:-30.09.2020**

Atul Thakur @ Nonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Karan Kaushal, Advocate
for the petitioner.

JASGURPREET SINGH PURI J.(Oral)

Petitioner-Atul Thakur @ Nonu has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.167 dated 11.5.2019, under Section 379-B IPC (Sections 201, 411 and 120-B IPC added later on), registered at Police Station Sector-5, Panchkula.

The facts of the present case are that a complaint was lodged by the complainant in the Police Station Sector-5, Panchkula that she works in some organization and when she was walking from her office towards her house at about 3.15 pm and when she was close to House No.674, Sector 21, then two boys who were wearing helmets and riding on an Activa, snatched her purse and pushed her and escaped and that she could not note down the registration number of the Activa and also could not identify those two boys. She stated that in her purse there were rupees 7-8 thousand

rupees alongwith a gold chain locket and gold earrings of the same design as the locket, weighing about 10-12 grams. The investigation in the present case was conducted and the police arrested two accused, namely, Atul Thakur @ Nonu (petitioner) and another Kavi Bisht.

Learned counsel for the petitioner has submitted that this is 4th application and the earlier bail applications, which were filed in this Court, were withdrawn on 04.10.2019, 22.1.2020 and 12.6.2020 respectively and those were not decided on merits. However, copies of the orders have not been supplied to the Court and the present matter is being heard through video conferencing. He has submitted that successive bail application is permissible under law in case fresh ground is made out and if there is change of circumstance. He has further submitted that the petitioner is in custody since 20.5.2019, which is approximately one year and four months. He has further submitted that the trial of the case at prosecution witnesses stage and out of total 15 cited witnesses, five witnesses have been examined and therefore prayed for grant of concession of regular bail to the petitioner, especially keeping in view the long incarceration of the petitioner. He has also further relied upon the order passed by the co-ordinate Bench of this Court on 21.8.2020, granting regular bail to the other co-accused, namely, Kavi Bisht. He has also further pointed out Annexure P-3, which is the deposition made by complainant before the learned Sessions Judge, Panchkula, wherein in her cross-examination she has submitted that she has stated before the police that the snatchers were wearing helmets and she could not see their faces at the time of incident and she could not identify the snatchers at the time of incident and she could not identify the

registration number of the Aactiva Scooter.

Mr. Naveen Sheoran, learned Deputy Advocate General for the State of Haryana has submitted that it is a case where snatching took place and the complainant had recognized the petitioner on the basis of the clothes which were being worn by the accused at the time of incident and at the time of identification. He has further submitted that there is another FIR against the petitioner bearing No.32 dated 09.5.2019, which was registered just two days before the present FIR.

This is 4th bail application as per learned counsel for the petitioner. The earlier three bail applications were dismissed as withdrawn at that stage. It is settled law that successive bail applications are permissible but only in those circumstances where the petitioner is able to show that there is change of circumstance or a fresh ground is made out or where some extraordinary ground exists in this regard. In the present case the co-ordinate Bench of this Court on 21.8.2020 had extended bail to similar situated co-accused and the custody period of the petitioner is now about one year and four months. Therefore, these two grounds are reasonable grounds to come within the meaning of new and fresh grounds. So far as the pendency of another FIR is concerned, learned counsel for the petitioner has submitted that these two FIRs have been registered in a span of two days only and the petitioner has been illegally roped up in both the FIRs and particularly the Aactiva Scooter is not registered in the name of petitioner and that the complainant has not identified the petitioner at all.

In view of the facts and considering the totality of circumstances, I deem it fit and appropriate to admit the petitioner on bail.

Resultantly, the present petition is allowed. It is ordered that the petitioner shall be released on regular bail on his furnishing bail bond/surety to the satisfaction of the learned CJM/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

However, it is made clear that in case the petitioner is found involved in other case after registration of the present FIR then the State shall be at liberty to file appropriate application before this Court in that regard.

September 30, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No