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

CRM-M-1204-2022

Date of decision : 13.12.2022

Rajan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mandeep K. Dhot, Advocate for
Mr. Jasbir Singh Dadwal, Advocate for the petitioner.

Mr. Vishal Malik, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the second petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in FIR No.99 dated 06.07.2020 registered under Sections 379-A, 473, 120-B of Indian Penal Code, 1860 at Police Station Sector 20, Panchkula.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 17.07.2020 and there are 10 prosecution witnesses, out of which, only five witnesses have been examined as yet and thus, the conclusion of trial is likely to take time. It is further submitted that earlier bail application filed by the present petitioner was dismissed as withdrawn on 11.11.2021 and even thereafter, sufficient time has elapsed so as to entitle the present petitioner to file the present petition for regular bail.

It is contended that the complainant, in the present case, has been examined and she has not identified the present petitioner as the person who had snatched the gold chain from her.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that the recovery of broken pieces of the gold chain have been recovered from the present petitioner and other co-accused and the present petitioner is also involved in two other cases of similar nature.

Learned counsel for the petitioner, in rebuttal to the said argument, has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

Keeping in view the abovesaid facts and circumstances more so the facts that the petitioner is in custody since 17.07.2020 (more than 2 years, 4 months) and out of 10 prosecution witnesses, only five witnesses have been examined and thus, the conclusion of trial is likely to take time and also the fact that the complainant has not identified the present

petitioner as one of the persons who had committed snatching and also in view of law laid down in ***Maulana Mohd. Amir Rashadi's*** case (Supra), the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

13.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**