

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1202-2022
Date of Decision: 03.02.2022

NAUBAT RAM @ AMIT @ MLA

....Petitioner(s)

Versus

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manoj Tanwar, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.221 dated 22.06.2021, under Sections 186,34,353,392,397 IPC and Section 25/29 of Arms Act, registered at Police Station Nangal Chaudhary, District Mahendergarh, Haryana.

It has been submitted by the learned counsel for the petitioner that the present petition is second bail petition for grant of regular bail and the earlier petition filed by the petitioner was dismissed as withdrawn at that stage on 10.11.2021 and thereafter there has been delay on the part of the prosecution and even till date charges have not been framed, although the challan stood presented on 19.08.2021 and the petitioner is in custody from 23.06.2021. He further submitted that apart from the same, there is another

change of circumstance in the present case. He has referred to Annexure P-3 which is medical prescription/certificate of the mother of the petitioner dated 09.11.2021 wherein she was subjected to a medical scrutiny in view of some infection and thereafter various investigations including from the Department of Oncology were carried out and today it has come to light that the mother of the petitioner is suffering from Leukemia which is a form of cancer and the petitioner is only son of the mother and, therefore, this itself would become another ground for the maintainability of the present petition apart from the fact that the earlier petition was dismissed as withdrawn at that stage only and thereafter, due to delay of the prosecution agency the matter could not be further carried on by the Court. He further submitted that it was a case which was planted upon the petitioner and while referring to the FIR, he submitted that bald allegations have been made that when the person who was Incharge of the Electricity Department was standing in the field, his motorcycle was snatched by the petitioner and the other co-accused by showing pistol. He further submitted that it is a case of no injury to anybody and even on the very next day another FIR was lodged against the petitioner. The present FIR is FIR No.221 of 22.06.2021 and the similar another FIR is FIR No. 222 of 23.06.2021 and Vide Annexure P-2 petitioner has been released on bail by the learned Magistrate in the second FIR. He further submitted that the trial of the case would take long time and in view of the aforesaid facts and circumstances, he may be considered for the grant of regular bail.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 23.06.2021 and challan was presented on 19.08.2021 and

still charges have not been framed. He further submitted that apart from the aforesaid another FIR No.222 which was lodged on the next day on similar allegations and there is no other case against the petitioner.

I have heard the learned counsel for the parties.

Although the petitioner has earlier withdrawn the bail application at that stage but thereafter no progress has been made in the trial and apart from the same, in the meantime, the mother of the petitioner has been diagnosed with a severe disease of Leukemia which is a form of cancer and as per the learned counsel for the petitioner, the petitioner is the only son of the mother and, therefore, this would also be a relevant factor for considering the grant of bail to the petitioner. The trial of the case may take long time and it is a case of no injury caused to anybody and is only pertaining to theft of a motorcycle. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper evidence or may flee from justice.

Therefore considering the aforesaid factual position and facts and circumstances of the present case, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/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.

03.02.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No