

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-14043-2022 (O & M)****Date of decision: 30.05.2022**

Saurabh

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Anshumaan Dalal, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)**CRM-14788-2022**

The application for placing on record document (Annexure P-3), is allowed as prayed for. The aforesaid document is taken on record. The Registry is directed to tag the same at the appropriate place of the paper-book.

CRM-M-14043-2022

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in a case FIR No.357 dated 15.10.2020 under Section 379-B IPC registered with Police Station Urban Estate Rohtak, District Rohtak, Haryana.

2. The brief facts of the case are that the present FIR came to be registered on the statement of Anju wife of Bijender Singh, who stated that she has two children, the elder is a daughter by the name of Niyati and the younger is son. On 15.10.2020 while her daughter-Niyati was going for

petition at about 3.00 p.m. on her Scooty bearing No.HR 12Y-9106 from

Suncity to Sector-5, when she reached on the road in front of New ITI then at the turn in front of the Gaushala, one boy wearing a black T-shirt and black jeans suddenly came in front of her and forcibly snatched the Scooty from her and sped away.

3. The learned counsel for the petitioner submits that the petitioner has not been named in the FIR but has been roped later on, on the basis of a disclosure statement made in FIR No.363 dated 06.09.2021 registered with Police Station Urban Estate Rohtak. No identification parade has been conducted in the present case and the recovery shown from him is nothing but a crude attempt of the police to implicate the petitioner.

4. The learned counsel for the State, while referring to the State reply dated 18.05.2022, contends that the petitioner is a habitual offender with as many as 04 FIRs i.e. (i) FIR No. 39 dated 21.01.2021 under Sections 379-B and 201 IPC, with Police Station Urban Estate, Rohtak, (ii) FIR No. 208 dated 09.06.2021 under Sections 379-B and 341 IPC, with Police Station Urban Estate, Rohtak (iii) FIR No. 363 dated 06.09.2021 under Sections 379-B and 341 IPC, with Police Station Urban Estate, Rohtak and (iv) FIR No. 228 dated 11.06.2021 under Sections 379-B, 354-A and 427 IPC with Police Station Sadar, Rohtak, and therefore, he does not deserve the concession of regular bail.

5. I have heard the learned counsel for both the parties.

6. The Hon'ble Supreme Court in ***"Maulana Mohd. Amir Rashadi versus State of U.P. and another, 2012(1) RCR (Criminal) 586"***, and this Court in ***"Rajender Singh versus State of Haryana, CRM-40431-2021 in CRA-D-1640-DB-2014"***, has held that criminal antecedents alone are not sufficient to deny bail to an accused and the evidence available in

7. In the present case, the petitioner is in custody since 06.09.2021 and 15 prosecution witnesses are cited in the list of witnesses, out of which, 02 prosecution witnesses have been examined so far. Therefore, the trial is not likely to be concluded in the near future. In the aforesaid FIRs registered against the petitioner, he has been granted bail in one case and is in custody in other cases.

8. Be that as it may, the trial in the present case is not likely to be concluded in the near future, and therefore, the further incarceration of the petitioner is not required. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Saurabh, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the local police station and shall furnish an affidavit each time that he is not involved in any case other than the cases as mentioned hereinabove.

If any attempt whatsoever is made by the petitioner and/or his family members to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

(JASJIT SINGH BEDI)
JUDGE

May 30, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No