

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-15315-2022

Date of decision : 12.09.2022

Karambir @ Sonu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.J.K.Singla, Advocate for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.266 dated 17.09.2021 registered under Sections 380 and 457 IPC (Sections 201 and 420, IPC added later on) at Police Station City Narwana, District Jind.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 06.10.2021 and the investigation is complete and the challan has already been presented and there are 23 witnesses and out of which, only 3 witnesses have been examined and thus, the trial is likely to take time. It is further submitted that there is neither any eye witness in the present case, nor the prosecution could find any clue or proof against the petitioner even after seeing the relevant CCTV recording and the petitioner is sought to be implicated solely on the basis of disclosure statement made by the petitioner in another FIR i.e., FIR no.411 dated 28.08.2021 registered under Sections 457 and 380 IPC at Police Station Civil Lines, District Kaithal and thereafter, only the recovery of Rs.1500/- has been shown to have been effected from the present petitioner, which

nowhere been proved that the said Rs.1500/- which has been recovered from the petitioner bears the same number as the currency that had been stolen from the shop in question. It is further submitted that in order to show his bonafide and without admitting his liability, the petitioner is ready to pay an amount of Rs.20,000/- to the complainant Sanjeev son of Pawan Kumar.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner is involved in 4 other cases and is a habitual offender and has submitted that he was custody in another FIR and during investigation in the said FIR no.411, he had admitted his involvement in the present case.

Learned counsel for the petitioner, in rebuttal, 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 while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. 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.”

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 06.10.2021 and the

investigation is complete and the challan has already been presented and there are 23 witnesses and out of which, only 3 witnesses have been examined and thus, the trial is likely to take time. The CCTV Camera/footage has not led to any clue against the petitioner and the petitioner is sought to be implicated on the basis of disclosure statement suffered by him while he was in custody in another FIR no.411. The petitioner is ready to pay an amount of Rs.20,000/- to the complainant in order to show his bonafide.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case and also subject to the petitioner depositing an amount of Rs.20,000/- within a period of one month from today with the trial Court and the trial Court is directed to release the said amount to the complainant in the present case.

It is made clear that in case the said amount is not deposited within the stipulated time period, then the present petition would be deemed to have been dismissed.

Nothing stated above shall be construed as a final 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 petition.

(VIKAS BAHL)
JUDGE

September 12, 2022

Davinder Kumar