

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-26685-2022

Date of decision : 14.09.2022

Jagdish @ Gossi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Davinder Pal Soni Jaura, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr.P.S.Ahluwalia, Advocate
for the complainant.

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.069 dated 06.03.2021 registered under Section 379-A IPC at Police Station Sadar Sirsa, District Sirsa.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 14.09.2021 and the investigation is complete and the challan has already been presented and there are 7 witnesses and out of which, 1 witness has been examined and thus, the trial is likely to take time. It is further submitted that no recovery of gold ear rings, which have been alleged to have been snatched, has been effected from the present petitioner. It is also submitted that Gaurav Singh, co-accused of the petitioner has been granted regular bail by this Court vide order dated 31.05.2022 passed in CRM-M-6021-2022 and the case of the

present petitioner is on a similar footing as that of the said Gaurav Singh.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that an amount of Rs.2000/- has been recovered from the present petitioner and the petitioner is involved in two other cases.

Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner has already undergone the sentence in one case and is on bail in the other case. He 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 14.09.2021 and the investigation is complete and the challan has already been presented and there are 7 witnesses and out of which, 1 witness has been examined and thus, the trial is likely to take time. The gold ear rings which has been alleged to have been snatched, has not been recovered from the present petitioner. Gaurav Singh, co-accused of the petitioner has been granted

regular bail by this Court vide order dated 31.05.2022 passed in CRM-M-6021-2022.

Keeping in view the above said facts and circumstances and in view of the law laid down in *Maulana's* case (supra), 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.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence 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 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 14, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No