

CRM-M-39415 of 2022

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

CRM-M-39415 of 2022

Date of decision: 15.12.2022

Keshav

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sanjeev Kumar Birla, Advocate, for the petitioner.
Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.130 dated 19.02.2022 under Section 379-A IPC registered at Police Station Shivaji Colony, Rohtak.

FIR in the present case was registered on the complaint of complainant Parveen, who reported to the police that on 19.02.2022 at about 7.40 p.m. she went out for her house from PGIMS, Rohtak, after doing her job. When she took packet of milk then a boy came from back side on a scooty and snatched her purse and ran away. Her purse containing her Aadhar Card, ID Card, Rs.3,000-4,000/- and her mobile phone of marka Vivo.

On issuance of notice of motion, reply by way of an affidavit of Vivek Kundu, Deputy Superintendent of Police, Rohtak, has been filed on behalf of respondent-State.

Learned counsel for the petitioner submits that the petitioner is

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innocent and has been falsely implicated in the present case on the basis of disclosure statement suffered by him and recovery was effected which was planted on him. He submits that he is in custody since 20.02.2022 and challan has already been presented and nothing is to be recovered from the petitioner now. Conclusion of trial is likely to take a considerable time. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars during the pendency of trial.

Per contra, learned State counsel submits that the petitioner is involved in three other cases of similar nature and details of the said FIRs is as under: -

- “1. FIR No.86 dated 18.02.2021 under Sections 379A/34 IPC, P.S. Shivaji Colony, Rohtak.
2. FIR No.87 dated 18.02.2021 under Section 379A IPC, P.S. Shivaji Colony, Rohtak.
3. FIR No.103 dated 24.02.2021 under Section 379A IPC, P.S. Shivaji Colony, Rohtak.”

He further submits that out of seven witnesses four, including the complainant have been examined; charges have already been framed and now the case is fixed for prosecution evidence.

To counter the abovesaid assertion made by learned State counsel, learned counsel for the petitioner submits that as a matter of fact all these cases have been planted on the petitioner as perusal of the above FIRs would show that two FIRs have been registered against the petitioner on the same very day and all the three FIRs have been registered in the same police station. He further submits that in all the aforesaid three cases, petitioner is on bail and mere pendency of other cases cannot be made ground to deny the bail to the petitioner in view of the judgment rendered by the Hon'ble

Supreme Court of India in **Prabhakar Tewari Vs. State of U.P. and**

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another, 2020 (1) R.C.R. (Criminal) 831.

To the same effect is the judgment of the Hon'ble Apex Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382**, wherein it has been held as under: -

“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.”

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody period of the petitioner, which is 09 months and 23 days; challan already stands presented; out of seven witnesses four, including the complainant have been examined; charges have already been framed; no recovery is to be effected from the petitioner at this stage and trial is likely to take a considerable time to conclude, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

(NAMIT KUMAR)
JUDGE

15.12.2022
R.S.

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No