

207

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

CRM-M-45570-2022

Date of decision : 16.12.2022

Som Pal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Dhruv Gupta, Advocate for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.90 dated 14.04.2022 registered under Section 379-A of Indian Penal Code, 1860 at Police Station Sector-9, Ambala City, District Ambala.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 19.05.2022 and investigation is complete and challan has been presented and there are 8 prosecution witnesses, out of which, only two witnesses have been examined as yet and thus, the conclusion of trial is likely to take time. It is further submitted that in the present case, the recovery of the alleged snatched purse and mobile were effected prior to the arrest of the present petitioner and nothing has been

recovered from the petitioner in the present case. It is contended that even the complainant, in her statement, has not specifically identified the present petitioner.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that the petitioner is involved in several other cases.

Learned counsel for the petitioner, in rebuttal to the said argument, 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 and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. 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.

Keeping in view the abovesaid facts and circumstances, more so, the facts that in the present case, the petitioner is in custody since 19.05.2022 and investigation is complete and challan has been presented and out of 8 prosecution witnesses, only two witnesses have been examined as yet and thus, the conclusion of trial is likely to take time and also the fact

that the recovery of the alleged snatched purse and mobile have not been effected from the present petitioner and the same was effected prior to the arrest of the petitioner and also in view of law laid down in ***Maulana Mohd. Amir Rashadi's*** case (Supra), the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, 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 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 an 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 application.

16.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**