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

CRM-M-46327-2022

Date of Decision: 14.11.2022

Mastan Shah @ Billa

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Sheena Khanna, Advocate for
Ms. Savita Rana, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.888 dated 11.11.2021, under Sections 379-A, 420 & 506 IPC (later on added Sections 201, 120-B & 34 IPC), registered at Police Station City Karnal, District Karnal.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 24.11.2021. She further submitted that the investigation of the case has already been completed and challan has also been presented before the competent Court but no witness has been examined till date and the petitioner has faced incarceration for about one year. She also submitted that the allegations in the present case were that one co-accused, namely, Darshan Singh had gone to the shop of the

complainant which was a shop of wholesale cloth and he had offered to sell his gold @ 10% discount, which was later on enhanced to 20% discount. She further submitted that such story is itself improbable as nobody would like to sell his gold @ 20% discount to a wholesale cloth seller when he can easily sell it to a Jeweller. She also submitted that the incident had allegedly taken place at Saha-Panchkula Road and after a period of 20 days, the present FIR has been lodged at Karnal, which is also totally improbable and therefore, the petitioner has been falsely implicated in the present case. She further submitted that so far as the role of the present petitioner is concerned, he had participated in the act of snatching of money. She also submitted that the petitioner is not involved in any other case except one case pertaining under Section 420 IPC.

Learned counsel for the petitioner has further submitted that another co-accused, namely, Kiran Pal, who is at parity with the present petitioner has been extended the benefit of regular bail by this Court in CRM-M-28763-2022 on 28.07.2022 vide Annexure P-2 and since the petitioner is at parity with the aforesaid co-accused, he may also be considered for the grant of regular bail.

On the other hand, Mr. Naveen S. Panwar, DAG, Haryana has submitted that it is correct that the petitioner is in custody since 24.11.2021 and no witness has been examined till date. He further submitted that it is also correct that the petitioner is at parity with the aforesaid co-accused, namely, Kiran Pal, who has been granted regular bail by this Court vide Annexure P-2. He has however opposed the grant of bail to the petitioner on the ground that it is a case where the snatching of Rs.85 lacs had taken

place.

I have heard the learned counsel for the parties.

Undisputedly, the petitioner has faced incarceration for about one year and as per the learned counsel for the parties, the other co-accused, namely, Kiran Pal has already been extended the benefit of regular bail by this Court, who is stated to be at parity with the present petitioner. The mere fact that the allegations against the petitioner and the co-accused were with regard to snatching of Rs.85 lacs cannot become a ground for denial of bail, considering the custody of the petitioner and also considering the fact that the other co-accused, who is at parity with the present petitioner has been granted bail by this Court. Apart from the above, it is not the case of the State that in case the petitioner is released on regular bail then he may abscond or flee from justice or may repeat the offence or influence the witnesses. Therefore, this Court is of the view that the petitioner deserves the concession of regular bail.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

14.11.2022

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |