

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-3975-2023 (O&M)

Date of Decision: 05.09.2023

SATNAM SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Karan Vir Nanda, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Additional AG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.283 dated 17.05.2022, registered under Section 379-A, 379-B, 120-B, 411 IPC, at Police Station Pinjore, District Panchkula.

Learned counsel for the petitioner submits that the petitioner has been in custody since 17.05.2022 i.e. for about 1 year and 4 months; that, as per the contents of the FIR, three persons were going on a motorcycle, which was being driven by Harpreet Singh; that said Harpreet Singh has been granted the concession of regular bail by a Coordinate Bench of this Court, vide order dated 29.05.2023; that out of total 23 prosecution witnesses, only 2 have been examined so far and that as far as other cases registered and/or pending against the petitioner are concerned, the petitioner stands acquitted in 6 cases and in the remaining cases, the petitioner is bail, except in one.

In support of the argument with regard to the pendency of other cases, learned counsel for the petitioner relies upon the judgments delivered by the Hon'ble Supreme Court in Prabhakar Tewari vs. State of U.P & Anr., Law Finder DocId#1670858.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he was amongst the one, who in collusion with each other, has snatched the gold chain of the complainant and that, at the time of fleeing, mobile phone of the petitioner fell down and in this manner, the petitioner was implicated in the present case. He further submits that the petitioner is a habitual offender and facing 11 more cases and that the material witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The present bail petition is considered primarily on the basis of parity with co-accused, namely, Harpreet Singh, who has since been enlarged on bail on 29.05.2023. The said Harpreet Singh was the driver of the motorcycle, on which the petitioner was the pillion rider along with one another co-accused. The petitioner has been in custody since 17.05.2022 i.e. for about 1 year and 4 months. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

As far as 11 more cases are concerned, out of the said cases, the petitioner stands acquitted in six cases and in the remaining cases, the petitioner is on bail, except in one. Moreover, pendency of several criminal cases by itself is not ground to refuse the prayer for bail and in this regard reference is made to Prabhakar Tewari's case (supra).

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, 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 learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

05.09.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>