

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

**CRM-M No.14677 of 2023
Date of Decision: 17.07.2023**

Lakhbir Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sukhjit Singh, Advocate
 for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.53 dated 03.07.2022 registered under Sections 379-B, 411, 34 of IPC at Police Station Sadar Raikot, District Ludhiana Rural.

The FIR in the present case was registered on the basis of the statement made by Sandeep Kaur, daughter of Raj Singh. As per the complainant, at about 7.30 pm on 03.07.2022, when she reached near Dana Mandi, Bassian, two young boys came on the motorcycle bearing Registration No.PB-10CW-5078, discover, colour blue with covered faces and after coming near her, they slowed down their motorcycle and the person on the pillion seat snatched her mobile phone. After snatching the mobile phone, they tried to run away on their motorcycle towards village Shajahanpur, but the complainant

raised alarm. The passersby apprehended both the young persons alongwith their motorcycle and her mobile phone. On inquiry, they disclosed their names and addresses to be Lakhbir Singh son of Nihal Singh resident of Littran, police station Sadar Raikot, District Ludhiana and Sukhdeep Singh son of Nachhattar Singh, resident of Ballawal, Police Station Jodhan, District Ludhiana. With these main allegations, the FIR in the present case was registered against the petitioner and one person Sukhdeep Singh.

Learned counsel for the petitioner contends that he has been falsely implicated in the present case due to certain political reasons. Even the mobile phone, which was allegedly snatched from the complainant, had already been recovered and his custody will serve no meaningful purpose. He further contends that even the motorcycle allegedly used in the commission of crime, does not belong to the present petitioner. He was arrested in the present case on 03.07.2022 and is in custody for the last more than 01 year. The challan has already been presented in the present case and the conclusion of the trial may take quite a long time.

On the other hand, learned State counsel has opposed the prayer made by learned counsel for the petitioner on the ground that seven other cases have also been registered against the present petitioner and he is a habitual offender. Apart from that, keeping in view the nature and gravity of the allegations also, the petitioner was not liable to be enlarged on bail.

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

It is not in dispute that similarly placed co-accused Sukhdeep Singh and Jagdeep Singh have already been granted the concession of bail by

the learned Additional Sessions Judge, Ludhiana vide orders Annexures P-2 and P-3 respectively. Even the petitioner is in custody for the last more than one year and the trial is at the initial stage before the learned trial Court. Apart from that, the mobile phone, which was allegedly snatched by the petitioner and his co-accused, has already been recovered by the police. Thus, no useful purpose will be served by keeping the petitioner behind the bars.

So far as the plea regarding the pendency of the other cases against the petitioner is concerned, the law is well settled that each case for bail of an accused has to be considered on the strength of the merits of the said case. Even though, the criminal antecedents of an accused may be one of the important considerations for grant of bail, but merely because of the fact that the petitioner is involved in some other cases cannot be sole ground to confine the petitioner in jail in perpetuity. The bail to a petitioner in a particular case cannot be denied solely on the ground that several other cases are pending against him, even though, the petitioner has been able to make out a case for grant of bail in the case in hand.

The Hon'ble Supreme Court in the matter of Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831 has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of **Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586.**

In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be

released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

The concerned Court may insist on two heavy local sureties and may also impose any other conditions, in accordance with law, while accepting the bail bonds/surety bonds of the petitioner. In case, the petitioner involves in any other case during the pendency of the trial of the present case, it shall be viewed seriously and the prosecution shall be at liberty to apply for cancellation of bail granted to the present petitioner.

17.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No