

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

**CRM-M No. 19237 of 2023
Date of Decision: 31.07.20233**

Amit @ Hakla

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Narinder Kaajla, Advocate
for the petitioner.

Mr. Surinder Singh, Asstt. A.G., Haryana

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SANJIV BERRY, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.339 dated 24.08.2022 under Sections 379-B of IPC registered at Police Station Sadar Hansi (Annexure P-1).

2. Briefly stated the case of the prosecution is that on the basis of the statement of Deep Chand injured, the present FIR was registered stating that on 23.08.2022 while his son Surinder Singh after returning home was counting the amount of ₹10,000/- received by him regarding share of the land then the petitioner came and snatched the amount of ₹10,000/-. On protest, he inflicted injuries with brick on the complainant who was then shifted to hospital.

3. It is inter alia contended by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and is in custody for last more than 11 months. He further submitted that even the complainant Deep Chand has been examined by prosecution as PW1 and as such there are no chances of the petitioner tampering with the evidence in any manner. He as such prayed for grant of bail to the petitioner.

4. The learned State counsel has filed custody certificate dated 30.07.2023, the same is taken on record.

5. Learned State Counsel on the other hand has opposed the bail application and submitted that considering the gravity of the offences, petitioner does not deserve the concession of bail. He also pointed out that there are five other cases registered against the petitioner. He however, admitted the factum of complainant Deep Chand having been examined by the prosecution as PW-1.

6. Heard learned counsel for the parties.

7. After considering the rival contentions and going through the record, it transpires that the petitioner is in custody since 31.08.2022 and as such has been in custody for more than 11 months. The complainant of the case namely Deep Chand has already been examined by the prosecution as PW1 in the trial Court. As per the custody certificate, although there are five other cases also registered against the petitioner but the fact remains that in four cases he has already been on bail while in fifth case he is ordered to be released on bail and he is yet to furnish the bail bonds as per the learned counsel for the petitioner, who has referred to the order dated 20.04.2023

passed in CRM-M-17711-2023 of this Court in this regard. 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 the judgment of Hon'ble Apex Court cited as *Prabhakar Tewari vs. State of U.P & Anr.* *Law Finder DocId#1670858*.

8. As stated above, the petitioner being in custody for last more than 11 months and the complainant of the case having been examined as witness by the prosecution in the trial Court and also the fact that the conclusion of the trial will take sufficient time to conclude, no purpose would be served by keeping the petitioner in custody any longer.

9. Consequently, in the light of the above, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

31.07.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |