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

CRM-M-22896-2023 (O&M)

Date of Decision: 25.05.2023

*Ajay alias Rahul*

*... Petitioner*

V/s.

*State of Haryana*

*... Respondent*

**CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. B.S. Tewatia, Advocate  
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

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**DEEPAK MANCHANDA, J.(Oral)**

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 159 dated 13.04.2022, under Sections 342, 379-B IPC and Section 25 of Arms Act registered at Police Station Gadpuri, District Palwal.

Learned counsel for the petitioner contends that the petitioner is in custody since 23.08.2022. He submits that the petitioner has been falsely implicated in the present case as neither he has been named in the FIR nor any specific role has been attributed to him. It is also contended that the petitioner was not arrested on the spot and the police has not conducted the identification parade regarding the identity and the complainant namely Ajit Singh as PW-2 in cross-examination of the

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nor saw them taking out coils from the transformer and cannot identify the accused present in Court. He further contends that the challan stands presented on 03.09.2022 and the charges have been framed and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the petitioner is a habitual offender as he is involved in other cases of similar nature as well and the offence alleged against the petitioner is serious in nature as he is involved in the robbery and recovery has been effected from him, however, he does not dispute the fact that challan stands presented and the charges have been framed.

Confronted with the same, learned counsel for the petitioner submits that out of cases registered against the petitioner, he is on bail in five of them and also refers to the judgment rendered by the Apex Court in ***Maulana Mohd. Amir Rashdi vs. State of Uttar Pradesh and Another in Criminal Appeal No. 159 of 2012 and Prabhakar Tewari vs. State of U.P. And another 2020 (11), SCC 648***, while submitting that the facts of the present case be considered.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 23.08.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course

of free and fair trial. Further, since the challan stands presented and the charges have been framed and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned on the following conditions:-

- 1. *he shall appear before the Court on each and every date of hearing;*
- 2. *he shall not give any threat or intimidation to the prosecution witnesses;*
- 3. *he shall not indulge in any criminal activity.*

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any terms and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of his bail.

The petition is allowed.

(DEEPAK MANCHANDA)  
JUDGE

25.05.2023.  
*seema*

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|----------------------------------|----------------|
| <i>Whether speaking/reasoned</i> | <i>Yes</i>     |
| <i>Whether Reportable</i>        | <i>Yes /No</i> |