

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-22489-2023

Date of decision: 10.05.2023

Rajanpreet Singh

....Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Partap Singh Gill, Advocate
for the petitioner

Mr. Praveen Bhadu, AAG, Haryana.

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case of FIR No. 1269 dated 24.12.2017, registered under Sections 379-A, 341 and 506 IPC at Police Station Sadar, District Karnal.

2. Learned counsel contends that initially, the petitioner who is 25 years old was arrested on 28.02.2018. He was granted bail in the year 2020 whereafter he was unable to appear before the trial Court on 26.04.2022, on account of the fact that he had fallen ill, being a drug addict and was admitted in the private hospital for treatment. It is thereafter that he was arrested in another case and brought on production warrants in this case on 06.03.2023 and since then, he is in custody. During his custody, he became unwell and on 26.03.2023 was taken to Kalpana Chawla Government Medical College Hospital, Karnal and diagnosed with Seizure Disorder with history of multiple substance abuse, wherefrom on the next day, he was referred to PGIMS Rohtak, wherein he was advised psychiatric

opinion. Challan has been presented but charges have not been framed. There are 9 prosecution witnesses. Though, he is involved in two more cases, however, he is on bail in those. In this regard, he relies on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that the allegations against the petitioner are that he alongwith the co-accused had snatched the bag containing mobile and other documents. However, he is unable to controvert the submissions with regard to the custody, the illness of the petitioner and the stage of the case.

4. Heard.

5. Hon'ble The Supreme Court of India in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

6. In view of the facts and circumstances of the case, the observations made in the aforesaid judgment, and the fact that the petitioner had previously remained in custody for 2 years before grant of bail, and now after re-arrest for the last more than 2 months; charges are yet to be framed and in all, there are 9 prosecution witnesses; the trial is likely to take considerable time, his incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered

to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

8. It is made clear that in case of any infraction of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

10.05.2023

Mehak

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