

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 07.08.2023

1. CRM-M-24657-2023 (O&M)

Pardeep @ Gotia

..... Petitioner

versus

State of Haryana

..... Respondent

2. CRM-M-23783-2023

Parveen @ Babbu

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Mukesh Yadav, Advocate
for the petitioner in CRM-M-24657-2023.

Mr. Pradeep Duhan, Advocate for
Mr. Pankaj Nenhera, Advocate
for the petitioner in CRM-M-23783-2023.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

CRM-31300-2023

This is an application for preponement of the main case i.e.
CRM-M-24657-2023 which is fixed for 11.09.2023.

For the reasons recorded in the application, the same is
allowed and the main case is taken up on Board today itself.

Main case(s)

These are two petitions wherein the petitioners seek regular
bail in FIR No.01 dated 05.01.2021, registered for offences punishable

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under Sections 120-B, 201, 342, 395 of IPC, 1860 and Section 25 of the Arms Act, 1959 at Police Station City Mahendergarh, District Mahendergarh.

2. Initially the FIR was registered against unknown persons. As per the case of the prosecution, petitioner Parveen @ Babbu suffered a disclosure statement admitting his involvement in the present case leading to his arrest and further recovery of Rs.10,000/- at his instance.

3. Counsel for the petitioners submits that the similarly situated co-accused namely Sandeep @ Bittu, Lovely Tomar and Santosh Kumar @ Bindi stand admitted to bail in **CRM-M-54723-2023, CRM-M-25594-2023 & CRM-M-21548-2023** vide order dated 08.02.2023, 25.05.2023 and that dated 04.05.2023 respectively, wherein the Court observed as under:-

“xx xx xx

7. The FIR was registered against the unknown persons, who took away Tab Locker having Rs.13,89,940/- in it, on pistol point from the finance company, where the complainant was working as Branch Manager. Admittedly no test identification parade was conducted in this case and on 30.7.2022 the petitioner was arrested on the basis of alleged confession made by him in case having FIR No.345 dated 23.11.2021 registered under Sections 395, 397 IPC and Section 25 of Arms Act at PS Siwani, District Bhiwani. After completion of investigation police has presented challan and trial is yet to be commence. It is a matter of evidence that amount recovered from the petitioner is relating to the amount looted from complainant-finance company. Further similarly situated co-accused has already been granted concession of regular bail vide Annexure P-2. As

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charges are yet to be framed in the present case, it will take considerable time for the trial to terminate, so no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.”

4. Counsel for the State is not in a position to dispute the aforesaid fact, however, submits that both the petitioners are habitual offenders having a number of cases against them involving similar allegations.

5. Faced with the situation, counsels relies upon *Prabhakar Tewari Vs. State of UP and Anr., 2020 (1) RCR (Criminal) 831* to submit that the involvement of the petitioners in several more cases cannot be a ground to deny bail. Further reliance has been placed on *Maulana Mohd. Amir Rashadi Vs. State of UP (SC), 2012(2) SCC 382*.

6. I have heard counsel for the parties and have gone through the records of the case. Petitioner is in custody since 30.07.2022.

7. Keeping in view the incarceration already suffered by the petitioners and the fact that the co-accused already stand admitted to regular bail, the present petitions are allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

9. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

07.08.2023

Dinesh

Whether speaking/reasoned :
Whether Reportable :

Yes
No