

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

228

CRM-M-34768-2023 (O&M)
Date of decision: 25.07.2023

Nawab

....Petitioner

Versus

State of Haryana

...Respondent

CRM-M-34795-2023 (O&M)

Junaid

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Pankaj Bali, Advocate for the petitioners

Mr. Dhruv Sihag, AAG Haryana

AMAN CHAUDHARY, J.

1. This common order shall dispose of above-mentioned petitions as they arise out of the same FIR.
2. Prayer in the present petitions filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in case FIR No.772 dated 25.09.2022, registered under Sections 399 and 402 IPC and Sections 25(1b)(a), 54 and 59 of Arms Act, at Police Station Indri, District Karnal.
3. Learned counsel contends that the petitioners are in custody for the last 10 months having been arrested on 25.09.2022. They have been falsely implicated in the case, only on account of the fact that they are involved in other

cases. As per the allegations, the petitioners along with other co-accused were preparing to commit dacoity. Charges have been framed on 07.07.2023 but no witnesses have been examined, out of the total 9. Though, there is involvement of the petitioners in other cases, however, they are on bail. Reliance is placed on the judgment of Hon'ble The Supreme Court in **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioners of preparing to commit dacoity and that petitioner-Nawab Singh and petitioner-Junaid are involved in 8 and 9 more cases respectively. He is however unable to controvert the submissions with regard to custody, stage of case, and the petitioners on bail in other cases registered against them.

5. Heard.

6. Hon'ble The Supreme Court 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." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail."

7. Considering the facts and circumstances of the case, in particular that

the petitioners are in custody for the last 10 months; are on bail in other cases; charges stand framed on 07.07.2023 and none out of 9 prosecution witnesses, has been examined, the trial is likely to take a considerable time, thus their further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

8. As a result, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to their not being required in any other case. The petitioners shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless are exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are an accused, or for commission of which they are suspected of.
- (v) The petitioners 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.
- (vi) The petitioners shall not in any manner misuse his liberty.
- (vii) The petitioners shall furnish her 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 petitioners 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.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

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

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

(AMAN CHAUDHARY)
JUDGE

July 25, 2023
M.Kamra

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