

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.231

CRM-M-39825-2023
Date of decision:08.11.2023

Gurdarshan Singh @ Jashanpreet Singh

...Petitioner

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Manjot Singh Gujral, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S. SHEKHAWAT, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.283 dated 17.05.2022 registered under Sections 379-A IPC (379-B IPC and 120-B IPC added later on) at Police Station Pinjore, District Panchkula.

2. As per the case of the prosecution, the FIR in the present case was got registered by Rajni Bala (complainant) by alleging that at about 6:50 PM on 17.05.2022, she was taking walk with her land-lady Raj Kumari and three persons came on a motorcycle and snatched her gold chain and fled away from there. In the process, her mobile phone had fallen and due to that, she could not read the number of the motorcycle and she got the FIR registered in the present case.

3. Learned counsel for the petitioner contends that the petitioner has not been named in the present FIR nor there is any averment in the FIR,

which even remotely connects the present petitioner with the commission of crime. In fact, the FIR was registered against the unknown accused and later on certain arrests were made in the present case. The present petitioner has been arrayed as an accused on the basis of the statement made by co-accused. Still further, the petitioner was arrested in the present case on 24.09.2021 and is in custody for the last about 02 years and 01 month. He further submits that co-accused Harpreet Singh and Satnam Singh have already been granted the concession of bail in the present case and the petitioner is also similarly placed.

4. On the other hand, learned counsel for the State has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that five other cases were registered against the present petitioner. However, she admits that the petitioner is on bail in four other cases.

5. I have heard the learned counsel for the parties and perused the case file minutely.

6. In the present case, the petitioner was arrested on 24.09.2021 and is in custody for the last more than 02 years and 01 month. No doubt, the allegations levelled in the FIR by the complainant point towards the seriousness of the allegations, however, the petitioner cannot be confined in jail for an indefinite period. Any incarceration for such a long period would be violative of Article 21 of the Constitution of India. No doubt, five other cases were registered against the petitioner, however, he is on bail in four other cases. Still further, the registration of other criminal cases against the petitioner is no ground to deny the concession of bail to the petitioner in the

present case and he has been successful in making out a case for grant of bail to him on the ground of his custody for a period of more than 02 years and 01 month. The prosecution has not produced any evidence to show that the trial has been unreasonably delayed on account of any fault on the part of the present petitioner. Consequently, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in

accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

08.11.2023
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO