

CRM-M-46279 of 2022

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

CRM-M-46279 of 2022
Date of decision: 19.01.2023

Sahil

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vikas Gulia, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

In terms of order dated 14.10.2022, status report by way of affidavit of Gurdial Singh, Deputy Superintendent of Police, Government Railway Police (GRP), Haryana, Hisar, has been filed on behalf of the respondent-State, which is taken on record.

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.28 dated 28.06.2021 under Section 379A IPC (Section 395 IPC added later on), registered at GRP Rohtak, District GRP Ambala City.

According to the prosecution, on 27.06.2021 when SI Surender Singh along with his other colleagues was present in Police Station, City, Gohana, then complainant moved a written complaint against Sahil (petitioner) and 3/4 other boys stating that on 25.06.2021, at about 11:00

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‘O’ clock when he was coming from village Gudha and was going along Railway track, then between Meham Road and Baroda Road crossing, 4/5 boys gheraoed him. Further disclosed that they snatched the shirt of the complainant which he had put on his shoulder. In that shirt, his Mobile Phone OPPO and Purse having the cash amount of Rs.8150 (denomination provided) were snatched. He has come to know that one of those snatchers was Sahil (petitioner).

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The alleged occurrence took place on 25.06.2021 whereas the FIR was registered on 28.06.2021, after a delay of three days. He further submits that there are total five accused in the present case, out of which co-accused namely, Sahil @ S.K. has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 14.09.2022 passed in CRM-M-32471 of 2022 and co-accused, namely Suraj has been enlarged on regular bail by the Court of learned Additional Sessions Judge Sonapat vide order dated 05.11.2022 and co-accused Romio alias Thatha has been declared as juvenile and is on bail. He further submits that petitioner is in custody since 02.07.2021; investigation in the present case is complete; challan has been presented; charges have been framed and out of total 17 prosecution witnesses 06 witnesses have been examined. He further submits that trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Per contra, learned counsel for the respondent opposes the grant of grant of regular bail to the petitioner on the ground that petitioner is

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a habitual offender as he is involved in one more case. However, he could not dispute that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 17 prosecution witnesses 06 witnesses have been examined.

Learned counsel for the petitioner submits that in other case registered against the petitioner, he is on bail and mere pendency of other cases cannot be made ground to deny the bail to the petitioner in view of the judgment rendered by the Hon'ble Supreme Court of India in **Prabhakar Tewari Vs. State of U.P. and another, 2020 (1) R.C.R. (Criminal) 831.**

To the same effect is the judgment of the Hon'ble Apex Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382**, wherein it has been held as under: -

“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.”

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioner, which is about 1½ year; investigation is complete; challan has been presented; charges have been framed and out of 17 witnesses, 06 prosecution witnesses have been examined; co-accused Sahil @ S.K., Suraj and Romio @ Thatha have been enlarged on bail and trial is likely to take a considerable time to conclude, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his

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furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

		(NAMIT KUMAR)
		JUDGE
19.01.2023		
R.S.	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No