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

**CRM-M-44778-2023
Date of decision : 22.11.2023**

SADDAM

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Naresh Kumar Khepar, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.411 dated 03.12.2022 registered for the offences punishable under Sections 365/395 of IPC and Section 25 of Arms Act and under Sections 397/420/412/201/201-B IPC added later on, at Police Station Kasola, District Rewari.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the FIR the case of the prosecution is as under :

“xxxx that I Arvinder Singh son of Nathu Ram Singh am resident of village Basantpur, Police Station Gauri Bazar, District Devria, UP and I am presently residing at Pataudi Road, Rewari and I am running Highwa truck of SIPL company and the plant of this company is situated near Bambar Fatehpuri. On 03.12.2022 I along with abovesaid Highwa Truck bearing registration No. HR-

55-AL-0578 make Tata 10-Tyres, which was loaded from Dambar, going to Pataudi and when at about 01.30 AM, I reached at chowk within the boundary of Bamber Fatehpuri about 3-KM away from the plant then one white colour car, I don't know about it's make and also could not note down it's registration number, suddenly stopped in front of my Highwa truck and four persons came out from the said car, who were armed with 3 country made pistol and 1 Danda and he climbed on my Highwa and he removed me from the Highwa and put me in their car by closing my eyes with piece of cloth and one person started driving Highwa and they kept on roaming in said car along with me for one hours and thereafter dropped me at Ramgarh Road and they had snatched my Highwa truck and mobile phone make MI in which SIM No. 9792328282 is activated. Legal action be taken against above said unknown persons. I had given information about this incident to the supervisor of company by stopping the other vehicle of the company. Sd/- Arvinder Singh, applicant son of Nathu Ram, Mobile No.9012254388.”

3. It is being claimed that it is Shahrukh, Hurmat, Sabrudeen @ Sadar and Ajrudeen @ Ajru who were the culprits as per the investigation.
4. Counsel for the petitioner submits that as per custody certificate the petitioner has undergone actual custody of 10 months and 3 days. Investigation already stands concluded and Challan stands presented. He further submits that Hurmat the co-accused already stands admitted to regular bail by the Court below vide order dated 16th of November, 2023. The challan having been presented there can't be any apprehension that the petitioner shall tamper with the evidnce and his custody cannot be prolonged as punitive measure.
5. State Counsel does not dispute the fact that the co-accused

stands admitted to bail however submits that the petitioner is a habitual offender and has three more cases.

6. Faced with the situation counsel for the petitioner submits that the petitioner has earned bail in two out of those three cases and further relies upon '**Prabhakar Tewari vs. State of UP and another**', 2020 (1) **RCR (Criminal) 831** to submit that the involvement of the petitioner in several more cases cannot be a ground to deny bail. Further reliance has been placed upon '**Maulana Mohd. Amir Rashadi vs. State of UP (SC)**', (2012) 2 SCC 382.

7. Having heard rival contentions of the parties, without commenting on the merits of the case and keeping in view the incarceration suffered by the petitioner, the nature of the allegation and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 22, 2023

Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No