

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

CRM-M-46990-2023**Date of Decision:22.09.2023**

Pawan

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Ravinder Rana, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.93 dated 29.01.2023 registered under Sections 379-A, 201 (added later on) read with 34 IPC, at Police Station City Rohtak, District Rohtak.

2. The FIR in the present case was registered on the basis of the complaint moved by Anubala, who alleged that at about 12.20 p.m. on 29.01.2023, she was going towards Rohtak from Balmiki Chowk, in the meantime, two young boys came there on a motorcycle from behind and snatched her bag containing a gold mangalsutra of 3 tolas, silver anklet, Aadhar Card, I-Card, Voter Card and cash of Rs.1800/-. On the basis of this complaint, the FIR in the present case was ordered to be registered against unknown persons.

3. During the course of investigation, it was known that the petitioner/accused was arrested in another case FIR No.143 dated 16.02.2023

registered at Police Station City Rohtak and he had suffered a disclosure statement in the said case with regard to his involvement in the present case. Consequently, he was ordered to be arrested in the present case on 04.03.2023.

4. Learned counsel for the petitioner contends that the petitioner was not named in the present case and has been falsely involved in the present case. Even a recovery of Rs.10,000/- and Aadhar Card of the complainant has been planted upon the petitioner, just to show the involvement of the present petitioner in the crime. He further contends that the petitioner is in custody since 04.03.2023 and the challan has already been presented against him. He further contends that no witness has been examined so far and the case is listed for prosecution evidence on 04.11.2023. Thus, the conclusion of the trial may take a long time.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that even in the CCTV footage, the petitioner along with co-accused was seen, while fleeing from the spot after snatching the purse. She further contends that apart from the present case, three more FIRs of similar nature have already been registered against the present petitioner and he does not deserve the concession of bail.

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

7. The petitioner was ordered to be arrested in the present case on 04.03.2023 and no witness has been examined so far by the prosecution. Thus, the trial Court may take considerable time in concluding the trial proceedings. No doubt, three more cases were registered against the present petitioner, but

he can never be confined in jail for an indefinite period as the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586***.

8. In view of the above discussion, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned 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 involves in any other criminal*

activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.

(vii) The concerned Court may insist on two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st Monday of English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.

22.09.2023

hemlata

(N.S.SHEKHAWAT)
JUDGE

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