

CRM-M-49689-2023

Date of Decision: 30.11.2023

Kartik @ Gandhi

...Petitioner

vs.

State of Haryana

...Respondent

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

Ms. Sheenu Sura, DAG, Haryana.

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**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 a regular bail to him in case FIR No.02 dated 07.01.2023 registered under Sections 148, 149, 323, 379-B, 452, 506 of IPC at Police Station Nigdu, District Karnal.

2. As per the case of the prosecution, the FIR in the present case was registered on the basis of the statement made by Ankush son of Sulinder. At about 8.00 p.m. on 07.01.2023 when he came out, Gandhi, Sunil, Surjit, Sonu and two other persons, whom he could not identify in the darkness, attacked on the complainant with an intention to kill him and caused injuries on his head. They also snatched an amount of Rs.7,000/-, his mobile phone and threatened to kill him and his family members. With these broad allegations, the FIR was registered against the petitioner and others.

3. Learned counsel for the petitioner contends that the petitioner was

arrested in the present case on 17.01.2023 and after completion of the investigation, final report under Section 173 Cr.P.C. has already been submitted before the Competent Court. Learned counsel further contends that co-accused, namely, Sandeep, Surjit, Sonu and Sunil have already been granted the concession of bail by the trial Court.

4. On the other hand, status report by way of an affidavit of HPS, DSP, Women Safety, Karnal has been filed on behalf of the respondent-State in Court today and the same is taken on record. Learned State counsel submits that six other FIRs of similar nature have been registered against the present petitioner and he does not deserve the concession of bail.

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

6. No doubt, six other cases have been registered against the present petitioner, but the said fact alone cannot be a ground for dismissal of the bail application as the petitioner has been able to make out a case for grant of bail in the peculiar facts of the present case. Thus, the petitioner 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***. Still further, the petitioner is in custody for the last more than 10 months and other similarly placed co-accused have already been granted the concession of bail.

7. 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 1<sup>st</sup> 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 1<sup>st</sup> Monday 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.*

30.11.2023  
hemlata

(N.S.SHEKHAWAT)  
JUDGE

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