

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

CRM-M No.50346 of 2023
Date of decision: 11th October, 2023

Ishub @ Yusuf

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sunil K. Pandey, Advocate for the petitioner.
Mr. Karan Jindal, Asst. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.522 dated 25.09.2021 under Sections 379-A IPC registered at Police Station Model Town, District Rewari.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand for having indulged in snatching of gold chain from the complainant. He submits that in fact, the petitioner was behind bars on the day of the said occurrence. It has been further submitted that despite challan having been presented on 01.07.2022 and charges having been framed on 19.12.2022, none of the 4 prosecution witnesses had been examined so far. Learned counsel submits that in the circumstances, further incarceration of the

petitioner would serve no useful purpose and he be extended the concession of bail.

3. Per contra, learned State counsel, on instructions, has opposed the prayer and submissions made by the counsel opposite. He has filed custody certificate of the petitioner today in the Court, which is taken on record subject to all just exceptions and a copy thereof supplied to learned counsel opposite. While drawing the attention of this Court to the custody certificate, on instructions, he has submitted that the petitioner is a history sheeter and is involved in as many as 22 cases ranging from not only offences punishable under Section 379A IPC but even under Sections 307, 399, 186, 353 and 411 of the IPC. It has also been submitted that during the pendency of the other criminal cases registered against the petitioner, he had absconded, as a result of which he was declared proclaimed offender twice, for which two cases under Section 174-A IPC stand registered against him. Learned State counsel has submitted that in case the petitioner is extended the concession of bail, there was every possibility that he could yet again be involved in another criminal case, which is clearly discernible from his criminal antecedents. On further instructions, he has brought to the notice of this Court that only 4 witnesses have been cited by the prosecution and hence, there is no likelihood of the trial being delayed, rather the trial has been proceeding at a considerable pace.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. This Court is not inclined to extend the concession of bail to the petitioner in the wake of his criminal antecedents, which stand reflected in his custody certificate. This Court concurs with the submissions made by the learned State counsel that the trial has been proceeding at a considerable pace, hence there is every likelihood that the same would conclude shortly. In the facts and circumstances as enumerated hereinabove, particularly the criminal antecedents of the petitioner, he does not deserve the concession of bail. The petition as such is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 11, 2023
rps

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