

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

(225)

CRM-M-56281-2023

Date of decision: - 16.11.2023

Sandeep Singh**....Petitioner****Versus****State of Haryana****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Parveen Sharma, Advocate,
for the petitioner.

Mr. Amandeep Joshi, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

1. This is a second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.409 dated 08.11.2020 under Sections 392 and 34 of the Indian Penal Code, 1860 registered at Police Station Taraori, District Karnal.

2. Learned counsel for the petitioner has submitted that the petitioner has been in custody since 27.11.2020 and the investigation in the present case has been completed and the challan has already been presented and there are as many as 11 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. It is further submitted that the recovery in the present case has already been effected and as per the challan, out of the alleged snatched amount of Rs.50,000, Rs.8,000/- has been recovered from the petitioner. It is contended that a perusal of the FIR would show that it has been stated by

the complainant that he himself sat in the car in which the petitioner and the other co-accused were already there and thus, the ingredients of abduction are not made out in the present case. It is further submitted that the petitioner had earlier filed a bail application, which was dismissed as withdrawn at that stage on 10.09.2021 and even thereafter sufficient period of time has lapsed, but the trial has not made any progress and co-accused of the petitioner, namely, Gagan, who is similarly placed as the present petitioner, has been granted the concession of regular bail by this Court, vide order dated 05.07.2022 passed in CRM-M-7374-2022.

3. Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that the petitioner is involved in other cases.

4. Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in the case titled **“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”**, reported as **2012 (2) SCC 382** to contend that the facts and circumstances of the present case are to be seen and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“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.”

5. This Court has heard the learned counsel for the parties and has perused the paper book.

6. The petitioner has been in custody since 27.11.2020 and the challan in the present case has already been presented and there are as many as 11 prosecution witnesses, none of whom have been examined. The earlier bail application of the petitioner was dismissed as withdrawn at that stage on 10.09.2021 and even after the passing of the said order, a period of more than 2 years and 2 months has elapsed and yet, the trial has not made any progress as no witness has been examined till date and thus, it entitles the petitioner to file the second regular bail application. Recovery has already been effected from the present petitioner and as per the FIR, it was the complainant who himself sat in the car in which the petitioner and the other co-accused were stated to be already sitting and co-accused of the petitioner, namely, Gagan, who is a similarly placed as the present petitioner, has been granted the concession of regular bail by this Court, vide order dated 05.07.2022 passed in CRM-M-7374-2022.

6. Keeping in view the above-said facts and circumstances and also in view of the law down in **Maulana Mohd. Amir Rashadi's case (supra)**, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate, subject to him not being required in any other case.

7. However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

8. Nothing stated above shall be construed as a final expression

of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

November 16, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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