

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-5910-2024  
Date of Decision:08.02.2024

Vijay Bedi @ Ganju ...Petitioner

vs.

State of U.T Chandigarh ...Respondent

**Coram : Hon’ble Mr. Justice N.S.Shekhawat**

Present: Mr.Subhash Ahuja, Advocate  
for the petitioner.

Mr. Manish Bansal, P.P., U.T Chandigarh.  
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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 71 dated 09.09.2023, registered under Sections 341,392,394,397,34,411 of IPC, Police Station I.T Park, Chandigarh.
2. As per the case of the complainant, at about 10:00 PM on 08.09.2023, he closed his shop and was going to his house. In the meantime, two known boys namely Tiger and Vijay @ Ganju stopped him and asked for money. When he refused, they snatched Rs. 5,000/-, Aadhar Card, Driving License and some visiting cards.
3. Learned counsel for the petitioner submits that the petitioner is working as labourer and is the sole bread earner of the family. Even the police had planted a recovery of Rs.2000/- on him. He further contends that the petitioner had some dispute with the complainant and due to said dispute, the petitioner has been falsely involved in the present case and no such occurrence

had taken place. He was arrested in the present case on 09.09.2023 and is in custody for the last about 05 months. The challan has already been presented against him.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that other cases, having similar allegations have been registered against the present petitioner and he does not deserves the concession of bail.

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

6. It is not in dispute that the petitioner was arrested in the present case on 09.0.9.2023 and 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***. The final report under Section 173 Cr. P.C has already been presented against him and the conclusion of the trial may take quite a considerable long time.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

08.02.2024  
hitesh

(N.S.SHEKHAWAT)  
JUDGE

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