



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206+208

CRM-M-48194-2023 (O&M)
Date of decision: 08.07.2024

Amit Yadav @ Radheshyam
....Petitioner
Versus

State of Haryana
...Respondent

CRM-M-5790-2024 (O&M)

Sadik Anwar
....Petitioner
Versus

State of Haryana
...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Satish Kumar, Advocate for the petitioner
in CRM-M- 48194-2023

Mr. Rajesh Nain, Advocate for the petitioner
in CRM-M-5790-2024

Ms. Vibha Tewari, AAG Haryana

AMAN CHAUDHARY. J. (ORAL)

1. This common order shall dispose of above-mentioned petitions as they arise out of the same FIR.
2. Prayer in these petitions filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in case FIR No.372, dated 29.07.2022, registered under Sections 387, 506 and 120-B IPC and Section 66-C of IT Act, 2000, at Police Station Sector-27, District Sonipat (Haryana).



3. Learned counsel contend that the petitioners are in custody for 1 year and about 11 months. They, alongwith co-accused Sanoj were named in the disclosure statement of co-accused Badre Alam and general allegations were levelled against them. The aforesaid co-accused, namely Sanoj, has already been granted regular bail by this Court vide order dated 20.07.2023, Annexure P-2, after being in custody for 11 months, while also being involved in other cases. The offences involved in the present case are triable by the Magistrate. 11 witnesses are yet to be examined. In 2 of the cases, wherein the petitioners were stated to be involved, they have been acquitted and in others, they are on bail. Reliance is placed on the judgment of Hon'ble the Supreme Court in **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

4. Custody certificate dated 05.07.2024, filed by learned State counsel is taken on record, as per which, the petitioners are behind bars for 1 year, 10 months and 29 days.

5. Learned State counsel opposes the bail on the ground that the recovery of Rs.10,000/- cash, along with ATM and Sim Cards was affected from petitioner-Amit Yadav @ Radheshyam, while from petitioner-Sadik Anwar, Rs.60,000/- cash, Sim Cards and passbook. She is however unable to controvert the submissions made regarding the stage of the case, co-accused having been granted bail and the petitioners being on bail in other cases.

6. Heard.

7. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "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.” Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, “The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.”

8. Keeping in view the facts and circumstances of the case, in particular that the petitioners are in custody for last 1 year, 10 months and 29 days; are on bail in other cases; co-accused has been granted bail; 11 prosecution witnesses remain to be examined; the trial is likely to take a considerable time, thus their further incarceration would not serve any useful purpose, thus, the present petitions for grant of regular bail deserve to be allowed.

9. As a result, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to their not being required in any other case. The petitioners shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which



they are suspected of.

- (v) The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioners shall not in any manner misuse their liberty.
- (vii) The petitioners shall furnish their address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioners seek to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

10. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

11. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

12. A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

08.07.2024
M.Kamra

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