

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

226 CRM-M-12373-2024
DATE OF DECISION: 16.04.2024

PARMOD ALIAS PARMODI ...PETITIONER

Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Manisha Lamba, Advocate with
Ms. Kriti Lohar, Advocate for the petitioner(s).
Mr. G.S.Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.527, dated 02.10.2023, under Sections 34 and 379-B IPC (later on added and Section 379-A deleted) registered at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioner contends that as per prosecution story motorcycle and amulet have been recovered from the conscious possession of the petitioner. She further submits that investigation is complete, challan presented and nothing is to be recovered from the petitioner.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 6 months and 11 days. He further submits that the petitioner is an habitual offender, who is involved in various other cases, therefore does not deserve the concession of regular bail.

Be that as it may, considering the facts that recovery of

snatched articles stand effected from the petitioner and no further recovery has to be made from the possession of the petitioner, the custody period, investigation is complete, challan has been presented on 01.12.2023 and there are total 10 witnesses and none of them has been examined so far, it is absolutely clear that trial is likely to take some time. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

In light of the above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

16.04.2024
anuradha

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