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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-13982-2024****Date of Decision: 22.03.2024**

Anil Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. C.S.Jattana, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.413 dated 28.09.2018 registered under Sections 398, 401, 412 of IPC and Section 25 of Arms Act, at Police Station City Mandi Dabwali, District Sirsa.

2. Learned counsel for the petitioner contends that the petitioner was granted the concession of regular bail by the trial Court on 24.02.2020, vide order Annexure P-2. Thereafter, the petitioner was regularly appearing before the trial Court for about 03 years. However, he absented on 19.05.2023 and due to the said non-appearance, his bail was ordered to be cancelled and bail bonds and surety bonds were forfeited to the State and non-bailable warrants were issued against him. The petitioner was declared to be proclaimed offender on 07.08.2023. However, the petitioner again surrendered before the trial Court on 20.10.2023 and is in custody since then. Learned counsel further contends that

in the present case, the material witnesses have already been examined and further custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that several other criminal cases have been registered against the present petitioner and he is not entitled to concession of bail by this Court.

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

5. The petitioner was surrendered before the trial Court on 20.10.2023 and is in custody since then. The final report under Section 173 Cr.P.C. has already been presented before the Competent Court. Even though, several other cases have been ordered to be registered against the petitioner, but the same cannot be a ground for dismissal of the bail application in a criminal case. In fact, 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.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, 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 involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

22.03.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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