

CRM-17983-2024 in/and
CRM-M-14661-2024
Date of Decision: 25.04.2024

Gajender alias Gagan...Petitioner

State of Haryana...Respondent

vs.

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

Present : Mr. Sahil Gupta, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

CRM-17983-2024

1. Application is allowed as prayed for subject to all just exceptions.

Annexures P-3 to P-5 are taken on record.

CRM-M-14661-2024

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.586 dated 18.10.2023 registered under Sections 379, 419, 420, 411 and 201 of IPC (Sections 419, 420, 411 and 201 of IPC added later on), at Police Station Model Town, Rewari, District Rewari.
2. Learned counsel for the petitioner contends that the FIR in the present case was got registered by the Junior Engineer in Haryana Cooperative Development Authority, Rewari, by alleging that pipes were being stolen by certain persons. Learned counsel further submits that the petitioner was falsely

involved in the present crime without any incriminating evidence and was wrongly arrested on 31.01.2024. He further contends that the recovery of pipes has already been effected and even the mobile phone of the petitioner has been taken into possession by the police. Learned counsel further contends that co-accused Romin Khan has already been granted the concession of bail by the Court of Additional District and Sessions Judge, Rewari. As per learned counsel, the challan in the present case has already been presented and the conclusion of the trial may take quite a long time. Thus, the petitioner may be admitted to bail.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the main accused and three more cases of similar nature have been registered against the petitioner in UP and one case has been registered in Delhi. Thus, the petitioner is a habitual offender and is not entitled to concession of bail.

4. After hearing learned counsel for the parties and perusing the record, I am of the considered opinion that the present petition deserves to be allowed by this Court. The petitioner is in custody since 31.01.2024 and the final report under Section 173 Cr.P.C. has already been presented before the Court of law. Out of total 17 prosecution witnesses, only 08 witnesses have been examined so far. Thus, further custody of the petitioner will not serve any meaningful purpose.

5. 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.

25.04.2024.
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(N.S.SHEKHAWAT)
JUDGE

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