

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26328-2024
Reserved on: 12.06.2024
Pronounced on: 02.07.2024

Savar alias Sabar

...Petitioner

V/s

State of Haryana

...Respondent

CORAM : HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Pinki Mehla, Advocate
for the petitioner (through video conference).
Mr. Amit Aggarwal, DAG, Haryana.

VIKRAM AGGARWAL, J

1. This is the second petition moved by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C”) for grant of regular bail in the FIR, the details of which are tabulated as under:-

FIR No.	Dated	Police Station	Section/s
0181	07.05.2022	Cheeka, District Kaithal	171, 395, IPC and 342, 201 and 120-B (added subsequently in the FIR).

2. The first petition for grant of regular bail was withdrawn on 26.04.2023.

3. On 07.05.2022, the complainant Baba Dayapuri who was residing at Shiv Mandi Dera for about 40 years, had gone to sleep at about 9.00 p.m. The Sewadar Sukhwinder was sleeping in the veranda. At about 1.00 a.m., 5 unknown persons, dressed as Homeguards, came and beat up the



complainant and Sukhwinder and locked them inside a room and thereafter they robbed him of a gold chain, rings and Rs.2 lakhs and other articles.

4. Custody certificate was filed in the Court, as per which the total custody undergone by the petitioner is 1 year, 8 months and 9 days as on 11.06.2024.

5. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated. It was argued that the petitioner had been arrested on the disclosure statement of one Karoda Ram, which had in fact been suffered by Karoda Ram in another FIR No.86 and not in the present case. A sum of Rs.30,000/- was shown to have been recovered from the petitioner, out of which Rs.15,000/- was stated to have been looted in the present case. Learned counsel submitted that apart from this evidence, there is no evidence against the petitioner and that he was arrested on 03.10.2022 and is in custody since then. It was also submitted by learned counsel that all the private witnesses stood examined and no one had identified the petitioner. Learned counsel submitted that under the circumstances, the petitioner deserves to be enlarged on bail.

6. *Per contra*, learned counsel representing the State of Haryana opposed the prayer for grant of bail to the petitioner. It was submitted that the petitioner is a hardened criminal involved in a number of cases and that if he is released on bail, there is every chance of his absconding. It was submitted that out of a total of 19 witnesses, 5 witnesses had been examined, whereas remaining are yet to be examined.

7. Having considered the submissions made by learned counsel for the parties, this Court does not find any reason to release the petitioner on bail merely because he had not been identified by the private witnesses. The



custody certificate shows that he is an under-trial in 20 other cases of similar nature, wherein there are allegations of commission of dacoity/robbery. Apart from this, he has been acquitted in a large number of cases but the fact remains that he is an under-trial in 20 cases.

9. In the considered opinion of this Court, enlarging him on bail would definitely entail a risk of the petitioner absconding.

10. In view of the aforementioned facts and circumstances, I do not find any merit in the present petition and the same is accordingly dismissed.

(VIKRAM AGGARWAL)
JUDGE

Reserved on: 12.06.2024
Pronounced on: 02.07.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No