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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-29968-2024

Date of decision : 05.07.2024

Sahil

... Petitioner

Versus

State of Haryana

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Vishal Jassal, Advocate
for the petitioner.

Mr.Samarth Sagar, Addl.A. G. Haryana
(through V.C.).

VIKAS BAHL, J.(ORAL)

1. This is the second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.142 dated 12.04.2022 registered under Sections 379-B, 34 IPC, 1860 at Police Station Parao, District Ambala.

2. Learned counsel for the petitioner has submitted that the petitioner was granted regular bail by the learned Sessions Judge, Ambala vide order dated 14.02.2024 (it is stated that it has been wrongly mentioned that the bail had been granted on 14.02.2024 in the petition whereas the date of the order granting bail is 14.02.2023). It is submitted that thereafter the petitioner was regularly appearing before the trial Court but could not



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appear before the trial Court on 14.03.2024 on account of farmers agitation as the road was blocked and on 14.03.2024 the bail of the petitioner was cancelled and bail bonds were forfeited to the State. It is further submitted that on 20.03.2024, the petitioner moved an application for recalling the said order, however the same was dismissed vide order dated 10.04.2024. It is stated that the petitioner has been in custody since 14.05.2024 and the investigation is complete and the challan has already been presented and no useful purpose would be served by keeping the petitioner in further custody. It is further stated that in order to show his bonafide, the petitioner is ready to pay an amount of Rs.10,000/- to the complainant for inconvenience caused to the complainant on account of non-appearance of the petitioner on 14.03.2024.

3. Learned State counsel has opposed the present petition for regular bail and has submitted that in addition to the above said case, there is one more case, similar to the present case, against the present petitioner.

4. Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in "**Maulana Mohd. Amir Rashadi vs. State of U.P. and another**", reported as **2012 (2) SCC 382** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In

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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.”

5. Keeping in view the abovesaid facts and circumstances moreso, the fact the petitioner was granted regular bail by the learned Sessions Judge, Ambala and thereafter, was appearing before the trial Court and as per his case, could not appear before the trial Court on 14.03.2024 on account of farmers agitation and immediately thereafter, he moved an application for recalling the order dated 14.03.2024 but the same was dismissed and the fact that the petitioner has been in custody since 14.05.2024 and the investigation is complete and the challan has already been presented and that no useful purpose would be served by keeping the petitioner in further incarceration, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case and subject to the petitioner depositing an amount of Rs.10,000/- with the trial Court within a period of two weeks from the date of passing of the present order. On the petitioner depositing the said amount, the trial Court is directed to release the same to the complainant.

6. However, it is made clear that in case the said amount is not deposited within the aforesaid period, then, it is open to the State and the complainant to seek cancellation of the bail granted to the petitioner.

7. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently



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of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

July 05, 2024
Davinder Kumar

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