

217 **IN THE HIGH COURT OF PUNJAB AND HARYANA**  
**AT CHANDIGARH**

**CRM-M-34168-2022**  
**Date of Decision: 19.03.2024**

|                  |     |               |
|------------------|-----|---------------|
| Sumit            | vs. | ...Petitioner |
| State of Haryana |     | ...Respondent |

**Coram : Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Siddarth, Advocate for  
Mr. Surja, Advocate  
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

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**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.578 dated 29.09.2021 registered under Sections 342, 397, 307, 34, 395, 120-B of IPC and Sections 25, 25(1)(a) of Arms Act, 1959, at Police Station Mujessar, Faridabad, District Faridabad.

2. Brief facts of the FIR in question that was registered at the instance of one Mohit son of Ved Aggarwal resident of Near Rajendra Chowk, Sanjay Colony, Sector 23, Faridabad, is to the effect that on 28.09.2021 at about 10.00 PM, the servant of the complainant was pulling down the shutter of the shop of the complainant. At that point of time, two young boys with muffled faces pushed the servant inside the shop. They also entered the shop and closed the shutter and pointed a pistol towards the complainant and the persons present there and started giving beatings to them. One of the said two assailants took

away Rs.4.5/5 lacs, one gold chain, mobile phone make Apple belonging to the complainant and attempted to flee from there. The complainant then cried for help and upon hearing the same, the father of the complainant came down. He also saw another young boy standing outside the shop on a motorcycle. The father of the complainant tried to nab him, but he fired at the father of the complainant, resulting in a bullet injury on the right shoulder of the father of the complainant. The assailants fired a shot towards another boy who tried to stop them. Thereafter, the assailants fled away from the spot.

3. Learned counsel for the petitioner argues that the petitioner was not named in the FIR and there was no evidence against the petitioner showing the involvement in the commission of crime. Learned counsel further contends that the petitioner has been arrayed as an accused on the basis of the disclosure statement made by co-accused, which was not admissible in evidence. Learned counsel has further placed reliance on the orders Annexures P-2 and P-3 passed by this Court in CRM-M-16587-2022 and CRM-M-26586-2022, whereby similarly placed co-accused, namely, Vipul and Shubham Kumar have already been granted the concession of bail by this Court. Learned counsel further contends that the petitioner was arrested in the present case on 28.10.2021 and is in custody since then.

4. On the other hand, learned State counsel submits that the petitioner is a hardened criminal and was actively involved in the commission of crime. He further contends that 7 other cases have been registered against the present petitioner and he does not deserve the concession of bail by this Court.

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

6. No doubt, the petitioner is involved in 7 other cases, however, the same cannot be the sole criteria 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. In the present case, the petitioner is in custody for the last about 02 years and 04 months. The material witnesses of the prosecution have already been examined and similarly placed co-accused Vipul and Shubham Kumar have been granted the concession of bail by this Court, vide orders Annexures P-2 and P-3 respectively.

7. 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.*

(viii) *The petitioner shall report every 1st and 3rd Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.*

**19.03.2024.**  
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**(N.S.SHEKHAWAT)**  
**JUDGE**

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