



CRM-M-36112-2024

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227

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36112-2024

Decided on : 25.09.2024

DHANNA RAM

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sourabh Shoran, Advocate
for the petitioner(s).

Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.291 dated 07.11.2019, registered under Sections 379A, 427, 506 of IPC at Police Station Sadar Narnaul, District Mahendergarh.

2. The brief facts of the present case are on 06.11.2019, at around 10:00 P.M., complainant Ajay Kumar was returning home in his car after collecting cash from his father's liquor shop. When he reached near the village Pond, a Bolero Camper, occupied by Tiger, Kuku, Mada Ram, and Kapoor hit his car and the occupants of the Bolero Camper snatched ₹43,000 after threatening and assaulting him.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. He further submits that co-accused



Krishan alias Kuku and Pritam alias Tiger were granted bail vide order dated 14.12.2019 and 21.12.2019. He submits that he has been granted regular bail vide order dated 13.03.2020, however, the petitioner could not appear on 20.12.2023, thereby his bail was cancelled and non-bailable warrants were issued. Subsequently, vide order dated 22.05.2024, the petitioner has applied for regular bail before the Additional District and Sessions Judge, which was dismissed. The petitioner has already undergone an actual custody of 02 years, 01 month and 26 days and there are 24 other cases registered against him, however in 15 cases he has been acquitted and in 9 cases, he is on bail.

4. He has placed reliance on the judgment passed by the Hon'ble Supreme Court in ***Krishna Sharma Alias Krishna Kumar Sharma Vs. The State of West Bengal & Anr.*** The relevant extract is as under

“However, we find that merely because the appellant did not appear personally could not have been a ground for cancellation of bail. The parameters for grant of bail and cancellation of bail are totally different. The bail already granted may be cancelled, if it is found that the person who has been granted the benefit of bail has violated any of the conditions or misused the liberty by influencing the witnesses or tampering with the evidence.”

5. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 02 years, 01 month and 26 days and there are 24 other cases registered against him, however in 15 cases he has been acquitted and in 9 cases, he is on bail. However in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

Heard the rival submissions made by learned counsel for the parties.



7. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. Admittedly, the petitioner has undergone actual custody of 02 years, 01 month and 26 days and there are 24 other cases registered against him, however in 15 cases he has been acquitted and in 9 cases, he is on bail. The further detention of the petitioner will not serve any useful purpose.

8. As regards to the submission of learned State counsel that petitioner is involved in other criminal cases, the Hon'ble Supreme Court in **"Maulana Mohd. Amir Rashadi v. State of U.P. and another"**, 2012(2) SCC 382 has held 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 case. The relevant portion of the said judgment is reproduced herein below :-

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

9. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.



- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

10. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

11. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

25.09.2024
Kavita

(KIRTI SINGH)
JUDGE

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