



CRM-M-37219-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-37219-2024
Decided on: 07.08.2024

Ajay Kumar

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. S.D. Bishnoi, Advocate
for the petitioner(s).

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.154 dated 14.03.2024, under Sections 379-B
and 34 IPC (Section 323 IPC added later on), registered at Police Station
City Tohana, District Fatehabad.

2. Learned counsel for the petitioner submits that allegedly the
petitioner along with co-accused were on a motorcycle where they snatched
a money box containing Rs.1,000/-from the complainant and fled away. He
further submits that petitioner has been falsely implicated in this case and is
in custody since 15.03.2024.

3. Notice of motion.

4. Upon advance notice, learned State counsel has put in
appearance and submits that the petitioner was actively involved in the
commission of the offence. He has filed custody certificate dated 06.08.2024
in Court today and the same is taken on record. As per custody certificate,
the petitioner has undergone actual custody of 04 months and 22 days. He,
however, submits that petitioner was involved in four other cases, however
he has been granted bail in all cases.



5. Mr. S.K. Bishnoi, Advocate has put in appearance on behalf of the complainant and has filed his *Vakalatnama* in Court which is taken on record. He submits that the matter has been compromised between both the parties and the amount has been returned.

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

7. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly the petitioner has undergone an actual custody of 04 months and 22 days. He was involved in four other cases, however he had been granted bail in all the cases. The matter has been compromised and the amount of Rs.1,000/- had been returned to the complainant. Further incarceration of the petitioner will not serve any useful purpose.

8. 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 she 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.



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prosecution shall be at liberty to move an application for cancellation of bail before this Court.

10. 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.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

07.08.2024
Kapil

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>