



224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42139 of 2024
Date of Decision: 04.09.2024

Yodha Singh ...Petitioner
vs.
State of Punjab ...Respondent

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

Present : Dr. Anju Sharma, Advocate, for the petitioner.
Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.P.C. with a prayer to grant regular bail to him in case FIR No.232 dated 03.08.2021 registered under Sections 379-B(2), 397, 326, 324, 201 of IPC, at Police Station City Faridkot, District Faridkot.

2. Learned counsel for the petitioner contends that the petitioner was not initially named as an accused in the present case and has been nominated as an accused only on the basis of the statement suffered by co-accused in the police custody, which is inadmissible in evidence. She further contends that as per the complainant, four persons had allegedly attacked the complainant with Kappas and had snatched a mobile phone, cash amount of Rs.10,000/- and a car from the complainant. She further contends that in fact, now the police has planted a recovery of a kripan on the present petitioner. The petitioner was arrested in the present case on 17.08.2021. She further contends that only six witnesses, out of total 19 witnesses, have been examined so far and there are no chances of early conclusion of the trial.



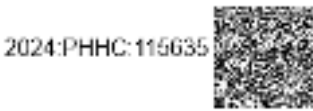
3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that four more criminal cases were ordered to be registered against the present petitioner and he is a habitual offender.

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

5. In the present case, the petitioner was arrested on 17.08.2021 and is in custody for the last more than three years. No doubt, four other FIRs have been ordered to be registered against the petitioner, but the petitioner cannot be denied the concession of bail in the present case only on the ground that the petitioner has been able to make out a case for grant of bail in the facts and circumstances of the present case. The reliance can be placed on the law laid down by 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 where it has been 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.

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 Monday in English calander month to 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 Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

04.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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