



215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44398 of 2024
Date of Decision: 13.09.2024

Surjit Singh ...Petitioner
vs.
State of Haryana ...Respondent

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

Present : Mr. Ajay Singh, Advocate with
Mr. Balraj Singh, Advocate for
Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.582 dated 26.11.2019 registered under Sections 420/406 of IPC (later on added Sections 467, 465, 468, 471, 171 of IPC), at Police Station HTM Hisar, District Hisar.
2. As per story of the prosecution, the petitioner and his co-accused had cheated the complainant to the tune of Rs.6.84 lakhs on the pretext of getting the employment to the complainant in railway police.
3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case without any evidence. He further contends that even there is no evidence on record to show that the petitioner had ever demanded any amount, for arranging any employment for the relatives of the complainant. He further contends that the co-accused, Sunil Bishnoi, who



had allegedly approached the complainant initially, has been granted the concession of bail by the trial Court. He further contends that in the present case, after completion of the investigation, challan has already been presented before the Court and the conclusion of the trial may take quite a long time.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that petitioner is a habitual offender and is facing prosecution in six similar cases. He further contends that in case the petitioner is released on bail, he may again involve in similar crime and keeping in view the facts of the present case, the present petition is liable to be dismissed by this Court.

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

5. No doubt, other criminal cases have been 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. In the present case, the petitioner was arrested on 28.05.2023 and is in custody for the last 01 year and 03 months. Even one

prosecution witness, out of total 14 witnesses, has been examined so far and there are no chances of early conclusion of the trial.

7. Consequently, 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 bail bonds and surety bonds of the petitioner.

13.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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