

2024:PHHC:069419



S. No.221

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

**CRM-M-46770 of 2023 (O&M)
Date of Decision:16.05.2024**

**LadiPetitioner
Vs.
State of HaryanaRespondent**

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Mohd. Yousaf, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.301 dated 03.09.2022 registered under Sections 342, 457, 392 and 394 IPC at Police Station Sadar Kaithal, District Kaithal.

FIR was lodged on the statement of Baba Beernath, resident of Baba Mastnath Dhuna Khera, Village Nautch, District Kaithal, as per which he is Mahant of above-said Baba Mastnath Dhuna Khera. On 03.09.2022 at about 01:30 AM, four young boys with muffled faces came from the backside of the Dera and started giving danda blows to Baba Pahal Nath, Baba Ganga Nath and Baba Mukti Nath. They threatened them to get open the door of the room of the complainant. As the room was opened, the intruders started assaulting the complainant with dandas. They looted the articles of the Dera including three gold chains, rings, Oppo Phone and ₹70,000/- besides other articles.

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During investigation, DVR of the CCTV installed at the spot was recovered from the canal water, near the bridge of Jyotisar Canal, which had been taken away by the intruders. Statements of injured witnesses were recorded. It was found that during the investigation of case FIR No.86 dated 29.03.2022, registered at Police Station Sadar Kaithal, under Sections 342, 395, 397, 458/171 IPC by Crime Branch No.1, Kaithal, accused Karora Ram, Nasib, Ladi (present petitioner), Manga, Rakesh, Vinod and Sawar had suffered disclosure statements confessing their involvement in the present case. They were arrested in the present case. On interrogation, all of them suffered disclosure statements and demarcated the place of occurrence. The recovery of robbed articles and money was also effected. From the possession of the petitioner, Adhaar Card, Bank Passbook of Baba Beernath as robbed from the Dera and the Binda used in the crime were recovered.

It is contended by learned counsel that the petitioner has been falsely implicated; that he is not named in the FIR; that the petitioner is in custody for the last more than 01 year and 07 months and that the trial may take long time to conclude and so, he be allowed bail.

Strongly opposing the bail petition, learned State Counsel contends that though statements of PWs - Baba Ganga Nath and Baba Mutki Nath have already been recorded but the statement of Baba Pahal Nath is yet to be recorded. In case, petitioner is allowed bail, he may threaten the witnesses.



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Learned State Counsel has also drawn attention towards the criminal antecedents of the petitioner as reflected in his custody certificate. Attention is further drawn towards the gravity of the offence and prayer is made for rejecting the bail petition.

I have considered the submissions made by both the sides and have perused the record. Offences against the petitioner are quite grave in nature. Material witnesses are yet to be examined. Although custody certificate reveals that the petitioner is in custody for the last 01 year 07 months and 27 days in the present case but at the same time, it is noticed that he is undertrial in as many as 12 cases. Not only this, petitioner has already been convicted in four cases, mostly of the similar nature.

Having regard to all the afore-said facts and circumstances and also the criminal antecedents of the petitioner, but without commenting anything on the merits of the case, this Court is not inclined to grant regular bail to the petitioner.

Dismissed.

May 16, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No