



231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46368-2024

Date of Decision: 23.09.2024

Aman

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Prashant Deswal, 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 439 Cr.P.C. with a prayer to grant regular bail to him in case FIR No.172 dated 23.02.2022 registered under Section 379-B (later on Sections 323, 341, 506 and 34 of IPC was added at the time of filling challan), at Police Station City Karnal.

2. Learned counsel for the petitioner contends that as per the allegations levelled by the complainant, the petitioner and his co-accused had snatched Rs.9,000/- to Rs.10,000/- and a mobile phone from the complainant. He further contends that the co-accused Sahil has already been acquitted by the Juvenile Court, Karnal. He further contends that the co-accused, namely, Surender has been granted the concession of bail. Learned counsel further contends that in the present case, the petitioner was arrested on 26.04.2022 and is in custody for the last 02 years and 05 months. He further contends that out



of total 12 prosecution witnesses, only 01 witness has 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 there are serious allegations against the present petitioner and four more FIRs have also been registered against him.

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

5. No doubt, four 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 wherein 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 26.04.2022 and is in custody for the last 02 years and 05 months. Even one prosecution witness, out of total 12 witnesses, has been examined so far and there are no chances of early conclusion of the trial.

6. 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.
- (viii) The petitioner shall report every 1st Monday in English calendar 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 Haryana shall be at liberty to move an appropriate application in this regard.

23.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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