



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

CRM-M No.50612 of 2023
Date of decision: 18th May, 2024

Ishub @ Yusuf

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sunil K. Pandey, Advocate for the petitioner.

Ms. Deepshikha Chauhan, Astt. AG, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.045 dated 03.03.2022 under Sections 379-A and 34 of the IPC registered at Police Station Sector-6, Dharuheda, District Rewari.

2. On the last date of hearing, it had been asserted by the learned counsel for the petitioner that the complainant had failed to identify the petitioner as a result of which, she was declared hostile.

3. Learned State counsel, on instructions, has submitted that it was factually incorrect that the complainant had been declared hostile. She submits that in fact, not only was the petitioner identified by the complainant during trial but the complainant had supported the case of the prosecution in its entirety. Learned State counsel has also placed on record custody certificate of the petitioner, a copy of which has been



handed over to the counsel opposite. A perusal of the custody certificate reflects the involvement of the petitioner in multiple criminal cases at Rewari, Gurugram and Mewat. Learned State counsel has argued that keeping in view the criminal antecedents of the petitioner, who has been having repeated brush with law, along with his evident misuse of bail in other pending criminal cases, his prayer be declined as there is every possibility that the petitioner will either abscond or again commit similar offences.

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

5. As per allegations levelled in the FIR in question (Annexure P-1) on 03.03.2022 at about 12:40 p.m., when the complainant was entering her house, two boys, one of whom was later identified as the petitioner, snatched her gold chain and fled away. As per the learned State counsel, the petitioner was positively identified by the complainant during trial. Given the petitioner's criminal history, prima facie he does appear to be a habitual offender and has misused the bail granted in the other pending cases against him. Only 6 witnesses remain to be examined by the prosecution, and since they are mostly formal in nature, it is likely that the trial would conclude shortly.

6. In the facts and circumstances as enumerated hereinabove, this Court thus does not deem it fit to extend the concession of bail to the petitioner. The petition as such is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 18, 2024
rps

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