



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

CRM-M-55137-2024

Date of Decision: 13.11.2024

Sunil alias Sunil Kumar

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Anshul Sharma, Advocate with
 Mr. Lalit Sharma, Advocate and
 Mr. Vaibhav Singla, Advocate, for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.259 dated 15.04.2023 registered under Sections 147, 148, 149, 323, 452, 506 of IPC and Section 395, 397 of IPC added later on, at Police Station, City Sirsa, District Sirsa.

2. The FIR in the present case was registered on the basis of the statement made by Lalan Yadav son of Tula Yadav, by alleging that at about 10.50 p.m. on 14.04.2023, he was taking rest in Ambar Hotel and 7-8 unknown persons came there duly armed and attacked on him. During the scuffle, the mobile phone make Vivo of the complainant carrying SIM No.95184-10789 was not found and it had fallen during the fight. He requested for taking legal action against 7-8 unknown persons and with these broad allegations, the FIR in the present case was registered.



3. Learned counsel for the petitioner submits that the petitioner was not named in the present FIR and no physical description of any of the accused was mentioned in the FIR. However, without collecting any incriminating evidence against him, he was wrongly arrested by the police on 26.06.2023. Learned counsel further contends that there was no previous enmity between both the sides and there was no question of causing injuries to the injured. He further submits that the offences under Section 395/397 have been wrongly added in the present case, just to make the offences graver. Learned counsel further contends that challan has already been presented against the present petitioner and his further custody will serve no meaningful purpose. He further contends that the petitioner is a first offender and deserve the sympathetic consideration by this Court.

4. 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 petitioner and he is involved in several other criminal cases. However, he could not dispute the fact that similarly placed co-accused, namely, Kuldeep Singh, Sachin, Vishal, Mangat Ram and Ajay alias Ajia have already been granted the concession of bail by this Court vide orders (Annexures P-3 to P-8).

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

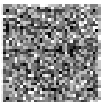
6. Even though, several other cases have been registered against the petitioner, but the petitioner has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. The reliance can be



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 26.06.2023 and is in custody since then. Similarly placed co-accused, namely, Kuldeep Singh, Sachin, Vishal, Mangat Ram and Ajay alias Ajia have already been granted the concession of bail by this Court vide orders (Annexures P-3 to P-8). Thus, further custody of the petitioner will not serve any meaningful purpose.

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 and 3rd 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 and 3rd 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.*

13.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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