



CRM-M-59276-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
236 CRM-M-59276-2024
Date of decision: 3rd December, 2024

Mujim

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Saleem Ahmed, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 378 dated 15.09.2019 registered under Sections 379-A read with Section 34 of IPC, 1860 at Police Station Khedki Daula, District Gurugram.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint lodged by the complainant-Inderpal on 15.09.2019, alleging therein that on the same day, he along with his wife was going towards the market when two youths riding on a motor bike had intercepted them and had snatched the gold neck chain worn by his wife. They had also extended threat to kill them by using the pistol which was carried by one of them. They had tried to flee but one of them was caught by the public persons who were present there. While disclosing that the apprehended youth had mentioned his name as Mujim, prayer was made for taking action

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in the matter. The petitioner was formally arrested, after registration of FIR. He was extended benefit of regular bail vide order dated 01.10.2020 passed in CRM-M-29825-2020 (O&M) by this Court. He absented himself on 23.11.2023. His bail was cancelled and bonds were forfeited to the State. He was arrested again on 03.07.2024 and ever since then he is in custody. He had moved an application for grant of regular bail, which was dismissed by the court of learned Additional Sessions Judge, Gurugram vide order dated 23.07.2024.

3. The present petition has been filed by the petitioner on the ground and it is argued by his counsel that he is in custody since long. He is ready to abide by the terms and conditions imposed by this Court. His absence was unintentional. The complainant has not supported the prosecution version. His further detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that the petitioner is an absconder. After being given benefit of regular bail, he had absented himself and could be apprehended after a gap of about nine months. There are chances of his absconding again, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner had been extended benefit of regular bail in the past but by violating the terms and conditions of the same, he had absented



himself. Now he is in custody since 03.07.2024. Annexure P-3 is copy of statement of the complainant as recorded before the learned trial Court ,which reveals that he was not identified by this witness, as one of the snatchers. Trial is likely to take time. Keeping in view the period of incarceration of the petitioner and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petitioner deserves to be released on bail. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as two surety bonds by two sureties to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned and further subject to the condition that he shall appear before the concerned SHO on first Mondy of every month to mark his presence.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

8. A copy of this order be sent to the concerned SHO as well as trial Court. In case, he does not appear before the concerned SHO in compliance of this order, then the latter shall inform the learned trial Court, who shall be at liberty to cancel the bail as granted to the petitioner.

[MANISHA BATRA]
JUDGE

3rd December, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No