

CRM-M-7978-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7978-2025
Reserved on: 18.02.2025
Pronounced on: 28.02.2025

Jyoti Prasad ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kuber Visvas, Advocate and
Mr. Aniket Sindhar, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
285	29.12.2015	Mullana, District Ambala, Haryana	379-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking regular bail.
2. As per custody certificate dated 17.02.2025, petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	89	24.02.2016	174-A	City Yamuna Nagar, Yamuna Nagar
2	105	10.02.2016	379-IPC	City Thanesar, Kurukshetra
3	958	29.09.2018	174-A IPC	City Thanesar, Kurukshetra
4	616	10.10.2018	174-A IPC	City Yamunanagar, Yamunanagar
5	442	2009	379 IPC	City Yamunanagar, Yamunanagar
6	366	2015	379 IPC	Ladwa, Distt. Kurukshetra

3. The facts and allegations are being taken from the translated copy of FIR, which reads as follows:

“Respected Sir, I request that I, Kandhara Singh son of Sh. Budh Singh caste Lavana Sikh am a resident of Sajjanmajri, Police Station Barara, District Ambala and am an agriculturist. Today I took Rs. 3,20,000/- from

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my OBC Bank account no. 13102 of denomination of 500 rupee notes to the tune of Rs. 3,00,000/-and Rs. 20,000/- in the denomination of Rs. 100 rupee notes and were carrying them while riding on my bicycle and travelling towards my village Sajjanmajri. At about 12:40 PM while I was a little ahead of the Rajakhedi Road towards Tandwal Road Rull near rakba Maujgarh, then two young men came towards me on their motorcycle who were wearing pant-shirt and pushed me and made me fall from my motorcycle and took away my bag of money which was hanging on the handle of the cycle and ran away on their motorcycle towards Barara side. Action should be taken against the above mentioned boys whose name and address are unknown.”

4. The petitioner's counsel submits that petitioner’s age is 90 years and he has undergone more than two years of custody. He further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel opposes the bail.

REASONING:

6. As per custody certificate dated 17.02.2025, the petitioner’s total custody in this FIR is 02 years, 01 months & 25 days.

7. Given the petitioner’s age i.e. 90 years, penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	

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3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. ***This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.***

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.02.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.