

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

Date of Decision:21.04.2025

...Respondent

N.S.Shekhawat J. (Oral)

2. The FIR in the present case was registered on the basis of the statement made by Gurwinder Singh son of Joginder Singh and the same has been reproduced below:-

“Statement of Gurwinder Singh son of Joginder Singh, resident of Makhan Windi, P.S. Jandiala,,District Amritsar Rural, aged 31 years, Mob.No.8872022004., Stated that I am resident of above noted address and I am a doctor in Life Care Hospital Amritsar and come on duty from my village Makhan Windi. On 09.01.2022 at night, I after finishing my duty was coming on my scootri Activa No.PB-02-DR-7541 towards the

village Makhan Windi then at about 10.00 pm at night, when I reached the bridge of the Canal of Village Fatehgarh Shukar chak and was little ahead then from my back one car colour grey whose number I could read as PB-09- came in front of my active and there were five clean shaven young boys, who had muffled faces, out of which two young man having pistol and three young persons were having dattar, who snatched my mobile Marka Phone-12 and 1+NORD-2 containing SIM No. 7276500009 and 7986720591 and also snatched 30,000/- rupees and after beating me fled from the spot on their car. Because of night time I went to my house, today after consulting my family I had come to give you information, you have met me, action be taken against all the persons of the car. I have got recorded my statement; Sd/- Gurwinder Singh above said, attested by Amarjit Singh, IC/PP Sohia Khurd P.S. City dated 10.01.2022.”

3. Learned counsel for the petitioner contends that the FIR was initially registered against unknown persons and the petitioner has been involved without any evidence. He further contends that even during the course of investigation, no specific role was attributed to him. The occurrence had taken place at night and no steps were taken by the police for identification of the accused in the present case. Learned counsel further contends that the petitioner was arrested in the present case on 25.02.2022 and no witness has been examined so far.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in five more criminal cases of similar nature and may

further involved in the crime and therefore, he does not deserve the concession of bail by this Court.

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

6. No doubt, five more criminal cases have been registered against the petitioner, but the petitioner cannot be denied the concession of bail in the present case only on that ground, because 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 25.02.2022 and is continuing in custody for the last 03 years and 02 months. Even the prosecution has not been able to examine even a single witness so far and there are no chances of early conclusion of the trial. Thus, the conclusion of the trial may take quite a long time and 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 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 Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.

21.04.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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