

2025:PHHC:088846



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

**CRM-M-38416-2025
DECIDED ON: 21.07.2025**

ALIM**.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Nafees Ahmad Khan, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked for the 2nd time under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.0031 dated 13.01.2024 under Sections 380, 457 of IPC, 1860 (Sections 411 and 34 of IPC added later on) registered at Polcie Station Sector 58, Faridabad, District Faridabad (Annexure P-1).

2 Contention**On behalf of the petitioner**

Learned counsel for the petitioner undertakes to deposit the amount of Rs. 5,000/-, which is due for recovery by the Investigating Officer, in order to facilitate the further progress and conclusion of the investigation in the FIR. He submits that the name of the petitioner was nominated on the basis of disclosure statement of co-accused Aadil. Learned counsel, on instructions, also submits that

the petitioner is ready and willing to cooperate with the investigation and undertakes to appear before the investigating agency as and when required.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Sushil Bhardwaj, Addl. AG. Haryana accepts notice on behalf of respondent/State. He prays for the dismissal of the present petition, stating that the petitioner, along with other co-accused persons, actively participated in the commission of the offence of theft of valuable goods. Additional he submits that the petitioner is a habitual offender, as he is involved in another case.

3. **Analysis**

Be that as it may, after due consideration of the submissions advanced, particularly the undertaking given by the petitioner asserting willingness to deposit Rs.5,000/- due for recovery by Investigating Officer and the fact that he was not seen in the CCTV recording, as well as his bona fide intention that he is ready and willing to join the investigation and cooperate for its progress, so that the Investigating Agency may submit the final report within the stipulated time, this petition deserves to be allowed.

As far as the contention of learned State counsel with regard to the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked

into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

4. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to her satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person 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 from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

21.07.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No