



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-50635-2024
Decided on : 20.02.2025

Ajay alias Ajju . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Baljeet Beniwal, Advocate
for the petitioner(s).

Ms. Mayuri Lakhanpal, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Ajay alias Ajju	64	15.02.2024	379A of IPC	Sadar Ballabhgarh	Faridabad

2. At the outset, learned State counsel has filed the status report dated 19.02.2025 in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

3. As per the status report, the petitioner is involved in multiple other cases. The details of these cases, along with the recoveries made, as extracted from paragraph No. 7 of the status report, are reproduced below in an extracted form :-



- “i. FIR No. 82 dated 01.04.2024 U/s 379A, 34 IPC P.S. BPTP, Faridabad. Pending on 17.02.2025 in the Court of Additional Sessions Judge, Faridabad for PWs (the petitioner/accused got recovered Rs. 1500/- of the occurrence).*
- ii. FIR No. 325 dated 18.05.2024 U/s 379A IPC P.S. Sector-8, Faridabad. Pending on 03.03.2025 in the Ld. Trial Court, Faridabad (recovery of mobile phone snatched from complainant of the case).*
- iii. FIR No. 375 dated 18.05.2024 U/s 379A IPC P.S. City Ballabgarh, Faridabad. Pending on 03.02.2025 in the court of Sessions Judge, Faridabad (recovery of mobile phone of complainant of the case).*
- iv. FIR No. 273 dated 19.04.2024 U/s 379A IPC P.S. City Ballabgarh, Faridabad. Pending on 08.07.2025 in the court of Ld. JMIC Faridabad (theft of a scooty stolen by accused, which was recovered in case FIR No. 375/2024 PS City Ballabgarh).*
- v. FIR No. 327 dated 04.05.2024 Us 379 IPC P.S. City Ballabgarh, Faridabad. Pending on 08.07.2025 in the court of Ld. JMIC Faridabad (recovery of scooty no number (Engine No. JFS0E81185009).*
- vi. FIR No. 86 dated 19.01.2023 U/s 307, 506, 34 IPC, 25 of Arms Act, P.S. City Ballabgarh, Faridabad. Pending on 28.05.2025 before the Trial Court/Additional Sessions Judge Faridabad (recovery of a Danda used in the case by the petitioner accused).*
- vii. FIR No. 391 dated 22.05.2024 Us 379 IPC P.S. City Ballabgarh, Faridabad. Pending in the court of Ld. JMIC Faridabad on 08.07.2025 titled State Vs. Ajay Aju (recovery of a Scooty without number Engine No. JD44JCE1212093).”*

4. In this regard, the counsel for the petitioner submits that except for one case, i.e., **FIR No. 82, dated 01.04.2024**, registered under **Sections 379A, 34 of IPC** at **BPTP, Faridabad**, the petitioner has already been granted bail in all other cases. Furthermore, in none of the aforementioned cases he has been convicted till date.

5. In support of the bail plea in the present case, the counsel for the petitioner argues that after being arrested in FIR No. 375, dated 18.05.2024, registered under Section 379A of IPC at P.S. City Ballabgarh, Faridabad, a disclosure statement of the petitioner was prepared. Based on that statement alone, he was implicated in the present case, i.e., **FIR No. 64, dated 15.02.2024**,



registered under **Section 379A of IPC** at **P.S. Sadar Ballabgarh, District Faridabad**. Apart from this disclosure statement, there is no direct evidence linking him to the offence. Moreover, no **Test Identification Parade (T.I.P.)** was conducted to establish the identity of the petitioner.

6. Further submits that while there is an allegation of snatching Rs. 20,000/- from the complainant's pocket, but after arresting the petitioner in the present case, the police have shown a recovery of only Rs. 3,000/-. Since there is no connecting evidence and reliance is solely placed on a single disclosure statement, the burden upon the prosecution to prove the involvement of the petitioner in the present case would be very severe.

Thus, counsel prays for grant of concession of regular bail to the petitioner.

7. *Per contra*, learned State counsel vehemently opposes the submissions addressed by counsel for the petitioner and submits that petitioner is an habitual offender and keeping in view his involvement in similar cases, he does not deserve concession of regular bail. Thus, prays for cancellation of bail.

8. After hearing the arguments and going through the record along with status report, this Court finds that petitioner is inside jail since 08.06.2024. After completion of investigation, challan has been submitted and out of total 11 prosecution witnesses, only 01 has been examined so far. It is also noticed that the involvement of the petitioner in the present case, is on the basis of his own disclosure statement, that too, after being arrested in some other case.

Besides, in none of the criminal cases registered against the petitioner, he has been convicted till date. Involvement of the petitioner is yet to be established by the prosecution by leading entire evidence to that effect.



Effect of not conducting the T.I.P. would also be examined by the trial Court.

Therefore, in the absence of any substantial reason to curtail liberty of the petitioner, I do not find any justification for continued incarceration.

9. Accordingly, considering the totality of circumstances, and the nature allegations leveled against the petitioner, and the factors noted here-above, I deem it appropriate to grant the concession of bail to the petitioner.

10. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

11. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 20, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*