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

CRM-M-51831-2024

Date of Decision: 16.01.2025

Vikas Kumar @ Deepak Singh

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vinod Ghai, Senior Advocate with
Mr. Manish Soni, Advocate
Mr. Arnav Ghai, Advocate,
Ms. Kashish Sahni, Advocate
Mr. Anuj Raj, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.222 dated 24.12.2021 registered under Sections 419, 420, 467, 468, 471, 120-B of IPC and Section 7 and 13(i)(d) of PC Act (Section 201 IPC added later on), at Police Station Sanoli, Panipat.

2. Learned Senior counsel for the petitioner vehemently argued that the petitioner has been falsely involved in the present case. By referring to FIR No.260 dated 06.10.2021 under Sections 419 and 420 of IPC and Section 12 of Passport Act, 1967, Police Station Special Cell, Delhi (Annexure P-5), learned Senior counsel submits that another FIR has been registered against the present petitioner for the same offence. He further placed reliance on the order (Annexure P-6) passed by the Court of Chief Judicial Magistrate, New Delhi, whereby the



petitioner has already been granted the concession of bail in the said FIR. He thus contends that the present FIR is not even maintainable against him. The petitioner was arrested in the present case on 08.02.2023 and is in custody for the last 01 year and 11 months. Learned counsel further contends that co-accused, namely, Amit @ RD, Bijender Singh and Rajan have already been admitted to bail by this Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 26 more cases have been ordered to be registered against the petitioner and he is a habitual offender. In case, the concession of bail is granted by this Court, there is a reasonable apprehension that the present petitioner may evade the process of law. However, she admits that no witness, out of total 45 witnesses have been examined so far.

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

5. No doubt, 26 other 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, it is apparent that another FIR i.e. FIR No.260 dated 06.10.2021 (Annexure P-5) with similar allegation has already been registered against the petitioner and he has been granted the concession of bail in the said FIR, vide order Annexure P-6. Still further, the petitioner was arrested in the present case on 08.02.2023 and the prosecution has not been able to examine even a single witness so far.

6. Thus, 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.

16.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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