



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

CRM-M-8521-2025

Date of Decision: 17.03.2025

Dalip Singh alias Deepu alias
Bhangi

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Davinder Singh Saini, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

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 in case FIR No.115 dated 27.04.2022 registered under Sections 379-B, 379, 413 of IPC (Later on offence under Sections 411, 414, 473, 34 of IPC were added), at Police Station Division No.6, District Police Commissionerate Ludhiana.

2. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR and has been nominated as an accused on the strength of the disclosure statement suffered by co-accused. The petitioner was arrested in the present case on 09.04.2024 and is in custody since then. He further contends that only four witnesses, out of total 21 witnesses, have been examined so far and the trial Court may take quite a long time to conclude the trial. Learned counsel has further placed reliance on the orders (Annexures P-2 and P-3) passed by the Court of Additional Sessions Judge, Ludhiana, whereby,



Vijay Kumar and Suraj Kumar @ Yadav, co-accused have been granted the concession of bail.

3. On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner has been convicted in three more similar cases and two more cases are pending against him. Thus, he is a habitual offender and is not entitled to be released on bail.

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

5. No doubt, several 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. The petitioner was arrested on 09.04.2024 and is in custody for the last more than 11 months. The trial has just begun against him and only 4 witnesses, out of total 21 witnesses, have been examined so far. Moreover, co-accused, namely, Vijay Kumar and Suraj Kumar @ Yadav have already been admitted to concession of bail by the trial Court.



6. 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.

(N.S.SHEKHAWAT)
JUDGE

17.03.2025
hemlata

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