



252

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56944-2024

Date of Decision:25.04.2025

Pankaj Kumar alias Panku

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Mohit, Advocate with
Mr. Pavitra, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Additional Advocate General, 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 in case FIR No.276 dated 17.06.2024 registered under Sections 147, 149, 323, 395, 427, 436, 452 of IPC, at Police Station City Fatehabad, District Fatehabad.
2. The FIR in the present case was registered on the basis of the statement made by Gulshan Kumar son of Gokal Chand and the same has been reproduced below:-

“To SHO Police Station City Fatehabad. Respected sir, it is requested that I, Gulshan Kumar son of Gokal Chand caste Arora, am resident of R.K. Colony, House No. 534 Fatehabad. Today on 16.06.2024 I was present at my home then at about 7 O'clock 30-35 persons vandalised our home and my father Gokal Chand was at home, caused injuries to his head and hand. We knew few persons among them whose names are Aryan Shishpal son of unknown and Jashan son of unknown and Sagar son of

unknown caste Balmiki residents of Balmiki Chowk Fatehabad and 20/25 other persons whose name addresses are not known. Those persons intruded in our house and vandalised the home and my wife Manisha and my son Jatin saved their lives by hiding themselves in the bathroom. Those persons took away Rs. 3 lacs cash and 2 mobile phones among which one mobile no. was 90447-13000. One phone is VIVO and another is OPPO. The persons who vandalised our house and burnt bullet motorcycle number HR 22U-1346, whose fire was extinguished by us. It is requested that legal action be taken against them. SD Gulshan applicant Gulshan son of Gokul Chand resident of RK Colony, Fatehabad.”

3. Learned counsel for the petitioner contends that the injuries suffered by the opposite side in the present case were simple and superficial in nature. Even it has been falsely alleged that a sum of Rs.3 lacs and two mobile phones were allegedly taken away by the accused in the present case. In fact, the petitioner was neither present at the spot nor had participated in the occurrence. One video footage of occurrence is available, however, the petitioner is not seen in the same. Learned counsel further contends that the petitioner was arrested in the present case on 17.06.2024 and is in custody for the last more than 10 months. He further contends that even though, the petitioner was involved in other cases, but he is on bail in majority of the cases.

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 a habitual offender and is involved in 13 other cases.

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

6. No doubt, 13 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, admittedly, the injuries suffered by the complainant side have been declared to be simple in nature. The petitioner has already suffered custody for a period of 10 months and the challan has already been presented against him. Moreover, no witness has been examined by the prosecution so far and the trial is not likely to conclude in near future.

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 State of Haryana shall be at liberty to move an appropriate application in this regard.*

25.04.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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