

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

2025:PHHC:078520



227

CRM-M-19351-2025

Date of decision: 03.07.2025

Arun @ Kaku

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kuldeep Singh Siwach, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.772 dated 08.10.2023 registered for the offences punishable under Section 379A of IPC at Police Station Azad Nagar, Hisar, District Hisar.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To The Chowki Incharge Mangali, Hisar. Regarding snatching of gold Tabiji. Sir Requested that I Urmila wife of Satbir is permanent resident of Badya Rangdan. Today on dated 08.10.2023 I was going from my fields to the house and time about 10:30 AM and when I reached near the filed of Samunder then two unknown boys by stopping the motorcycle Platina and getting stopped my bullock cart by snatching my Tabizi gold 1/2 tola ran away on their motorcycle. Strict legal action be taken against unknown persons.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 16.03.2024. Learned counsel for the petitioner

further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further submitted that the FIR-complainant/victim already stands examined and she has not supported the case of the prosecution and in fact has turned hostile. Thus, regular bail is prayed for.

4. Counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 27.03.2024 & thereafter investigation was carried out and challan was presented on 31.05.2024 wherein total 15 witnesses have been cited, out of which 9 have been examined. It is not disputed that the FIR-complainant/victim already stands examined and she has turned hostile. The weightage required to be attached with the testimonies of the hostile witnesses which shall be considered during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage lest it may prejudice the rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

As per the custody certificate dated 01.07.2025 filed by the learned State counsel, the petitioner has suffered incarceration 1 year, 3 months and 16 days. Further, as per the said custody certificate the

petitioner is stated to be involved in 10 more criminal cases. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*. Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. Accordingly, keeping in view the entirety and totality of facts and circumstances of the case; especially the factum the complainant has not supported the case of the prosecution, this Court proceeds to consider favourably the plea for grant of bail to the petitioner. Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.

- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

July 03, 2025
Naveen

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