

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

CRM-M-4716 of 2018
Date of Decision:18.05.2018

NasimPetitioner

Versus

State of HaryanaRespondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. M.D. Khan, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case First Information Report No. 435 dated 16.06.2016, under Sections 147, 148, 307, 365, 323 and 452 of the Indian Penal Code and Section 25 of the Arms Act registered at Police Station Sector 55, Faridabad.

It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and is in custody since 14.09.2016.He further submits that the co-accused namely Rafakat @ Bhura granted the concession of regular bail vide order dated 10.05.2017 in CRM-M-15647 of 2017. It is also contended that challan has already been filed and the trial is likely to take time, hence, he be enlarged on bail.

Learned State counsel has filed the custody certificate of the petitioner in the Court and opposed the bail on the ground that the

petitioner was specifically named in the FIR. He also submits that the statement of prosecutrix Naseema was recorded by the police after her recovery on 20.06.2016 and she has specifically named the petitioner. The statement under Section 164 Cr.P.C. recorded before Magistrate the prosecutrix reiterated the same fact. He further submits that the present petitioner is not entitled for regular bail and hence he prays for dismissal of the present petition.

Heard learned counsel for the parties and and perused the paper book.

As per accusation, on 16.06.2016, at about 11 am the present petitioner alongwith Aziz, Akhtar, Sakir and Yakub came on a vehicle and have forcibly entered into the house of the complainant and gave beatings him. Thereafter, they forcibly took away Naseema and when complainant tried to restrain, then Aziz and Akhtar caught hold him, and the petitioner fired a shot in his stomach and took away Naseema. The statement of prosecutrix Naseema was recorded by the police on 20.06.2016, therein she averred that on 16.06.2016 her brother Naseem-petitioner along with uncle Yakub, and his son Bhura abducted her from Rajeev Colony Ballabgarh, from the house of her husband. Her statement under Section 164 Cr.P.C. was also recorded before Magistrate, wherein she reiterated the same facts. Perusal of the custody certificate further reveals that the petitioner is already facing two murder cases in FIR No.28 of 2014 and FIR No. 13 of 2014.

In view of the fact that the name of the petitioner is specifically mentioned in the FIR that he fired a shot in the stomach of the complainant and took away his wife and the petitioner is also facing two murder cases in FIR No.28 of 2014 and FIR No. 13 of 2014, considering the gravity of the

allegations and the unscrupulous conduct of the petitioner, he is not entitled for grant of regular bail. Thus, the petition stands dismissed.

The above observations, may not be construed as an expression of opinion on merits of the case.

Learned trial Court is also directed to conclude the trial expeditiously.

[MAHABIR SINGH SINDHU]
JUDGE

May 18, 2018
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no