

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-15945-2019 (O&M)
Date of Decision:-11.4.2019

Mujahid

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gautam Dutt, Advocate for petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in a case registered against him vide FIR No. 0124 dated 19.4.2018, Police Station Ferozepur Jhirka, District Nuh, under Sections 420, 392 and 34 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959.

The FIR was lodged at the instance of Aslam Khan, wherein he has alleged that upon seeing an advertisement on 'OLX' regarding sale of Swift Dzire car, he alongwith Yakub Khan and Iqbal Khan went to Ferozepur Jhirka on 18.4.2018 to check out the said car on a motorcycle. When they reached near Ferozepur Jhirka one person came on a motorcycle and took them along and thereafter they stopped near a petrol pump, where three of the said persons' friends were already there armed with country

made pistol and sticks and who threatened the complainant and his friends by brandishing their weapons and snatched an amount of Rs.2,70,000/- carried by the complainant, their mobile phones and their gold chains and also some cash carried by their friends.

The learned counsel for the petitioner has submitted that petitioner is not named in the FIR and that it was subsequently that the complainant made a supplementary statement after more than six months of the occurrence i.e. on 8.11.2018 that he could identify the boys and that thereafter he is stated to have identified the petitioner and another accused. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case simply in order to pressurize the petitioner's uncle, who is a prosecution witness in a case where petitioner's first cousin had been murdered.

Opposing the petition, the learned State counsel has submitted that since the petitioner has specifically been identified by the complainant and a recovery of Rs.1,000/- has been effected, no case for grant of bail is made out. It has, however, been informed that the petitioner has been in custody since 9.1.2019 and that challan has already been presented and also that the petitioner is not involved in any other case.

Having regard to the aforesaid facts and circumstances especially that the challan has already been presented and the petitioner is not stated to be involved in any other case and that till date not even a single prosecution witness out of the cited 12 prosecution witnesses has examined, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and petitioner Mujahid is ordered to

be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

This petition stands accepted accordingly.

11.4.2019		(Gurvinder Singh Gill)
rakesh		Judge
Whether speaking /reasoned	Yes / No	
Whether Reportable	Yes / No	