

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

**CRM-M No. 23381 of 2019
Date of Decision:-18.09.2019**

Maskeen @ Meen

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Vishwajit Bedi, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Maskeen @ Meen has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 21 dated 02.3.2016, under Sections 392, 365 and 427 IPC (Section 11 of Prevention of Cruelty to Animal Act, 1960 added later on), registered at Police Station Nawanshahr, District SBS Nagar.

The FIR was registered on the basis of statement of complainant Sharafat Ali to the effect that he used to work as driver on Tata Truck 2515 bearing registration No.HR-38N-8688 from the last about three years. On 01.3.2016, he alongwith owner of said Tata Truck, namely, Aazam after loading the cattle from Subhanpur Cattle Market, Kapurthala had started for Dera Bassi in evening alongwith Bilal Ahmad, Tanvir and

Mohammed Sujad. When the Truck in question had reached at G.T. Road near Village Khama, then a white coloured Tata Indica car bearing registration No.PB-02-Y-2752 came from behind and came in front of their truck. There were 5-6 persons in the said car who were armed with iron rods in their hands. The accused persons forcibly snatched the truck including white coloured mobile phone of the truck owner, having Vodafone connection number in the same, cash of Rs.10,000/- from the driver. One another mobile was also snatched from Bilal.

The allegations against the petitioner are that he forcibly took away a truck, stolen the mobile and also kidnapped the driver.

Learned counsel for the petitioner contends that the petitioner was extended the interim pre-arrest concession on 31.5.2016, however, he failed to join the investigation, therefore, the said application was dismissed and subsequently the petitioner was declared proclaimed offender on 09.12.2017 and arrested on 12.9.2018. According to him the other co-accused are on regular bail and till date no witness has been examined by the prosecution.

On the other hand, learned State counsel, who is assisted by ASI Balwinder opposed the prayer. However, he does not dispute this fact that after framing of charges on 20.7.2019, no witness has been examined by the prosecution so far.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified, therefore, without meaning any expression of opinion on the merits of the

case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court, Shaheed Bhagat Singh Nagar.

The petition is allowed.

September 18, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No