

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

**CRM-M-41983-2019
Date of decision: 04.10.2019**

Irfat @ Irfan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 223 dated 05.04.2018, registered under Sections 395, 397 of the IPC read with Section 25-54-59 of the Arms Act, 1959 at Police Station Sector 55, Faridabad.

Learned counsel for the petitioner submits that as per the allegations in the FIR, which was registered on the statement of complainant Gyasuddin, it is stated that he received a message for the purpose of sale of a car and in that process, five young persons took him in a vehicle and thereafter, they snatched Rs. 4,60,000/- and a mobile from him.

Learned counsel for the petitioner further submits that thereafter, on a secret information, co-accused Hassan was arrested and he has been granted concession of regular bail by this Court, vide order dated 04.09.2018 passed in CRM-M-37306-2018. The operative part of the order reads as under:

“Learned State counsel submits that petitioner was nominated in this case on the basis of secret information and recovery of Rs. 34,000/- of the looted amount was effected from his possession. Learned counsel for the petitioner submits that petitioner was not named in the FIR and his test identification parade was also not got conducted. There is no evidence with the police so far that petitioner was involved in the incident except recovery of amount of Rs. 34,000/-. The petitioner was arrested in this case on 24.05.2018. The other co-accused named in the FIR are yet to be arrested. In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Hassan is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C. (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh. (c) He shall not leave the country without the previous permission of the Court.”

Learned counsel for the petitioner further submits that petitioner is on bail in another FIR and the identity of the petitioner is yet to be proved by leading prosecution evidence.

It is further submitted that petitioner is in judicial custody since 22.06.2019; challan stands presented and the conclusion of the trial is likely

to take a long time.

Learned State counsel, on instructions from ASI Sarvesh Kumar, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody since 22.06.2019; co-accused has already been granted concession of regular bail by this Court as noticed above and also in view of the fact that conclusion of the trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

04.10.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No