

CRM-M-19986-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-19986-2020

Date of Decision: August 26th, 2020

Kasim Beg

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Rakesh Lamba, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.241, dated 25.08.2019, registered at Police Station Sarai Khawaja, District Faridabad, under Sections 420, 406 and 34 of the Indian Penal Code.

In compliance with the order dated 07.08.2020 passed by this Court, an affidavit of Moji Ram, HPS, Assistant Commissioner of Police, Sarai, Faridabad, dated 20.08.2020, has been filed, which is taken on record. As per the said affidavit, there was an error which has crept in while giving the details of the FIRs against the petitioner. It is mentioned that inadvertently, FIR No.233 dated 19.08.2019 was shown to be registered against the petitioner, whereas the said FIR stands registered against one of

the co-accused of the petitioner, namely, Sadik.

It is the contention of the learned counsel for the petitioner that the petitioner was not named in the FIR. What has been asserted is that two boys were talking to the mother of the complainant and they became baba and cheated his mother by taking her two golden ear rings, one gold chain in a small red purse and ran away. He submits that the said allegations appear to be false as mother of the complainant was standing in the crowded place at the time of incident. He contends that the petitioner is in custody since August, 2019 and out of the eleven prosecution witnesses, none has been examined till date. His further submission is that because of the prevailing circumstance, trial is not likely to proceed soon and therefore, the petitioner may be granted the concession of bail.

Counsel for the State, on the other hand, contends that there are four other cases registered against the petitioner apart from the present one. She states that the petitioner is a habitual offender and therefore, concession of bail be not granted to him. She, however, could not dispute the fact that after the presentation of the challan, none of the eleven prosecution witnesses has been examined till date.

I have considered the submissions made by the learned counsel for the parties and keeping in view the fact that the petitioner is in custody since August, 2019, with the fact that the trial is not likely to proceed in near future because of the prevailing circumstances, further no prosecution witness has been examined till date, this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on bail subject to his

CRM-M-19986-2020

furnishing bail and surety bonds to the satisfaction of the trial Court/Chief
Judicial Magistrate/Duty Magistrate, Faridabad.

Any observation made herein-above shall have no bearing on
the merits of the case during the trial in any manner.

August 26th, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No