

CRM-M-22493-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-22493-2020

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.252, dated 01.05.2019, registered at Police Station Central Faridabad, District Faridabad, under Sections 420, 406 and 34 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that the petitioner was named in the FIR. It is asserted in the FIR that while the complainant was walking at Central Pal, two persons came and they hypnotized him. They told the complainant that they are police persons and are on duty. They told the complainant to take off bangles. After taking the bangles of the complainant, they handed over fictitious bangles to her and ran away on the motorcycle. Counsel submits that the said allegations appear to be false as the complainant was standing in the crowded place at the time of incident. He contends that the petitioner is in custody since

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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 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.

(AUGUSTINE GEORGE MASIH)
JUDGE

August 26th, 2020
Harish

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