

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

**CrI. Misc. M-30085 of 2020 (O&M)**  
**DATE OF DECISION: 05.10.2020**

Islam ..... Petitioner.  
Vs.

State of Haryana .....Respondent

**CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Munfaid Khan, Advocate, for the petitioner.  
Ms.Dimple Jain, AAG, Haryana.

**ALKA SARIN, J (Oral)**

Heard through Video Conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'CrPC') for grant of regular bail to the petitioner in FIR No.251 dated 16.09.2018 under sections 379, 188, 186, 332, 379-A of the Indian Penal Code, 1860 registered at Police Station Punhana, District Nuh.

Learned counsel for the petitioner has contended that out of the four people named in the FIR, three have been declared innocent and their names have been put in Column No.2. Learned counsel for the petitioner would further contend that the other co-accused Sajid has been granted regular bail by the Trial Court. It has further been contended that the petitioner has been in custody since 08.08.2020.

Notice of motion.

On the asking of Court, Ms. Dimple Jain, Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State through video conferencing and accepts notice. She is not in a position to deny that out of the four accused named in the FIR, three have been declared innocent. She is further not in a position to deny that Sajid Khan, the co-accused, has been granted regular bail by the Court of Additional Sessions Judge, Mewat.

I have heard learned counsel for the parties.

The brief facts relevant to the present case are that on 16.09.2018 the Police received secret information that illegal mining was being carried out by some persons in the hills of village Luhinga Kalan and they could be nabbed if a raid was conducted. The Police accordingly raided the said place and on seeing the Police party four persons, who were involved in illegal mining of stealing stones and loading them in their tractor trolley, fled from the spot. They were identified by the secret messenger as Islam, Aamin, Hasan and Kamru. The tractor was taken into possession by the Police. After some time, the petitioner is alleged to have come alongwith the co-accused and 10-15 other people and stopped the Police officials and snatched the tractor from their possession. The petitioner has been in custody since 08.08.2020. The other three people named in the FIR, namely, Aamin, Hasan and Kamru have since been declared innocent and Sajid the co-accused has since been granted a regular bail by the Trial Court.

In view of the submissions made by learned counsel for the parties and without commenting on the merits of the case and the fact that

the trial is unlikely to conclude in the near future in view of the current scenario in the wake of the outbreak of the COVID-19 pandemic, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to get the bail cancelled, in case the petitioner is found to be misusing the concession of bail in any manner.

Disposed off.

October 05, 2020  
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**(ALKA SARIN)**  
**JUDGE**

**NOTE:**

Whether speaking/non-speaking: Yes/No  
Whether reportable: Yes/No