

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-30427-2020 (O&M)
Date of Decision:-8.10.2020

Mubarik @ Tanna

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Karan Sharma, AAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this court seeking grant of regular bail in respect of a registered vide FIR No.51 dated 15.2.2018 under Sections 341, 365, 395, 397 IPC and Section 25 of Arms Act at Police Station Khaidki Daula, District Gurgaon.
2. The FIR was lodged at the instance of Rajeev Dube, wherein it is alleged that he has been plying Scorpio vehicle belonging to Krishan Kumar Sharma. It is alleged that on 14.2.2018 when he was travelling from Manesar to Sikanderpur, then a white coloured Scorpio overtook his vehicle and 6 persons alighted from the said vehicle and one of them pointed a pistol on the

head of the complainant and they all sat in the complainant's vehicle. It is alleged that the said persons snatched Scorpio vehicle along with mobile phone of the complainant and also an amount of ₹2,200/- and later dropped him opposite to a school from where the complainant inquired about that place and informed the owner of the vehicle regarding snatching of his vehicle.

3. The learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and came to be nominated as an accused subsequently on the basis of alleged disclosure statement made by co-accused Sarif @ Bachchi. It is further submitted that the petitioner in any case has been behind bars since last 2 years and 4 months and, as such, he deserves to be released on bail since trial is not making any headway.
4. Opposing the petition, the learned State counsel upon instructions from ASI Om Prakash has submitted that since the petitioner happens to be involved in as many as 10 other cases, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner indeed has been behind bars since last 2 years and 4 months and that as on date only one PW out of cited 15 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and while bearing in mind that the petitioner has been nominated as an accused on the basis of alleged disclosure statement made by co-accused and while noticing that the petitioner as on date has been behind bars since last 2 years and 4 months and trial in its normal course is not likely to be concluded shortly as only 1 out of cited 15 PWs has been examined so far, further detention of the

petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to bereleased on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8.10.2020

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No