

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

218

**CRM-M-48149-2019
Date of Decision : 04.02.2020**

Wasid @ Mulla

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sukhvinder Singh Nara, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The petitioner has filed the present 2nd petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.209 dated 06.10.2018 registered under Sections 395 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Rojka Neo, District Mewat at Nuh.

His first application was dismissed as withdrawn vide order dated 09.07.2019 by the Coordinate Bench of this Court.

As per the prosecution version, on 06.10.2018 complainant-Rashid, working as truck-driver, was going towards Gurugram in his truck. He parked his vehicle by the side of road to take rest, when at about 04:20 a.m., a Swift Dzire white colour car came from which three young boys alighted and dragged the complainant out of the truck and gave him beatings, snatched his mobile phone and cash of Rs.2,000/-. His truck was also taken away by them and he was thrown near the forest of village Pahari, District Palwal. The police investigated the case and on completion of investigation charge-sheeted the petitioner along with his co-accused.

Learned State Counsel has appeared and opposed the bail application.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner was not named in the FIR and was not arrested on the spot. The petitioner has been falsely implicated in the present case. The complainant has been examined in the case as PW-4 and did not identify the petitioner as one of the persons who had beaten and robbed him. The petitioner is in custody since 29.02.2019. Trial is likely to take long time and no purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the allegations against the petitioner are serious and the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, the fact that the complainant in his statement as PW-4, placed on record today, has not identified the petitioner as one of the offenders involved in commission of crime, nature of accusation against the petitioner, period of his custody and the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

04.02.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No