

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

CRM-M-17880-2021 (O&M)

Date of decision: 02.07.2021

Mustafa

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Rajesh Bhateja, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Mustafa, an accused in FIR No.62 dated 23.03.2021, for offences under Sections 279, 336, 332, 333, 353, 186, 307 and 114 IPC, registered with Police Station Hathin, District Palwal.

Briefly stated facts of the case as per prosecution story are that, on intervening night of 22/23.03.2021, a police party from Police Station Hathin led by HC Sandeep Kumar had laid a naka in front of the police station where HC Sandeep Kumar received a secret information that one dumper vehicle carrying cows for slaughtering was going from Palwal towards Utavad side; accordingly, a picket was laid; information was sent to the SHO of the police station; in the meanwhile, dumper came from Utavad side being driven at a very high speed in a rash and

negligent manner and when HC Sandeep Kumar signaled it to stop, the driver of the vehicle tried to run over the police personnel with intention to kill them and members of the police party could save their lives with great difficulty; in the meanwhile, SHO of Police Station Hathin also reached the spot and then dumper was chased; the driver of the dumper tried to hit the Govt., vehicle, however when on account of traffic jam, the dumper could not proceed further, then its driver and conductor alighted therefrom and tried to run away; the person who had alighted from conductor side when chased and caught gave beatings to HC Sandeep Kumar; he had disclosed his name as Mustafa; the name of driver was disclosed by him as Irshad; formal FIR in the matter was recorded; the investigation in the case started; on completion of investigation, the challan has been filed in the Court and the trial is going on.

Petitioner Mustafa had filed an application for grant of regular bail before the Court of Sessions at Palwal, which was assigned to Addl. Sessions Judge, Palwal, who vide order dated 06.04.2021, dismissed the same. As such, he has approached this Court craving for grant of similar relief, by way of filing the present petition, which is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

The petitioner is behind bars since 23.03.2021 i.e. for more than 03 months. Though, the challan against the petitioner and his co-accused has been filed in the Court, but as informed by the State counsel

on the basis of the reply filed on behalf of the State, the charge is yet to be framed. The conclusion of trial is likely to take considerable time since on account of outbreak of pandemic COVID-19, the proceedings in the Courts at district level have been severely affected; the guilt of the petitioner shall be determined during the trial. The main accused in this case happened to be Irshad, driver of the dumper, who by his reckless driving, is said to have tried to run over the police personnel. Thus, without going into merits of the case, I find it proper and appropriate to grant benefit of regular bail to the petitioner. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Palwal, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard;

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

02.07.2021
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(H.S. MADAAN)
JUDGE

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