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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.24122 of 2021 (O&M)

Date of decision: 02.07.2021

Bilal Ahmed @ Billa

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rakesh Sobti, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.395 dated 25.12.2020, for offence punishable under Section 379 of the Indian Penal Code, 1860 (in short 'IPC') (Sections 395, 397 IPC and 25/54/59 of the Arms Act added later and Section 379 IPC deleted) registered at Police Station Sadar Tauru, District Nuh.

Counsel for the petitioner has submitted that the FIR was registered on a complaint given by Basrudeen that he has engaged the co-accused Shamshad as a driver and from Gujarat, he has loaded beetle nuts (Supari) for transporting the same to Delhi. After few days, Shamshad gave a phone call to the complainant that some gangsters/thief are following him and he is having danger to his life and liberty. Thereafter, his mobile phone was switched off and later on, the truck was recovered on 11.01.2021.

Counsel for the petitioner has further submitted that the allegation against the petitioner is that he has purchased beetle nuts (Supari) from the main accused Shamshad and the primary charge against him will be of Section 411 IPC as he was never present on the truck along with the main accused Shamshad. It is also submitted that

CASE HEARD THROUGH VIDEO CONFERENCING

the petitioner was nominated on the disclosure statement of the aforesaid Shamshad and similarly situated 03 of the co-accused namely Sabir, Salman and Kadar Khan, have already been released on regular bail by the Court of Sessions, considering the allegations against them that they have received the stolen property. It is further submitted that the petitioner is in custody for the last 04 months and 22 days and he is not involved in any other case.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 04 months and 22 days; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

02.07.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No