

In virtual Court

CRM-M-26770-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26770-2021 (O&M)
Date of decision: 20.07.2021

Suhail

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.0395 dated 25.12.2020 under Section 379 IPC (Sections 395, 397 IPC and Section 25/54/59 of Arms Act were added later on), registered at Police Station Sadar Tauru, District Nuh.

Learned counsel for the petitioner relies upon the order dated 02.07.2021 passed in CRM-M-24122-2021, vide which similarly situated co-accused Bilal Ahmed @ Billa has been granted the concession of regular bail.

The operative part of the order reads as under: -

“...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 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...”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioner submits that allegations against the petitioner are that he has purchased beetle nuts (supari) from the main

accused and allegations against aforesaid co-accused are identical in nature. It is further submitted that primary allegation against the petitioner would be of committing offence under Section 411 IPC.

Learned State counsel has filed the custody certificate dated 19.07.2021 in the Court today. As per this custody certificate, the petitioner is in custody for the last 03 months and 25 days and is not involved in any other case. It is submitted that the investigation is complete.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

20.07.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No