

In virtual Court

CRM-M-27772-2021

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

CRM-M-27772-2021 (O&M)

Date of decision: 27.07.2021

Mohammad Rashid

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Dhull, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 3rd petition for grant of regular bail in FIR No.198 dated 10.03.2020 under Sections 328, 365, 379-A IPC, registered at Police Station Sadar Bhiwani, District Bhiwani. First petition filed by the petitioner was dismissed as withdrawn on 05.08.2020 and second petition praying for interim bail was also dismissed as withdrawn on 24.09.2020.

Learned counsel for the petitioner submits that this 3rd petition has been filed on the ground that now custody of the petitioner is more than 01 year and 04 months and the case is fixed for recording the prosecution evidence. It is further submitted that as per allegations in the FIR, registered at the instance of complainant Usha Sharma, her husband Subhash Sharma had boarded the bus to travel from Bhiwani to Delhi, but he did not reach the designated place. Later on, during the investigation, it was found that the petitioner has given lift to

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Subhash Sharma and by giving seductive, he was looted and his gold chain, gold ring, ATM card and some identity cards were taken away. It is also submitted that the petitioner is first offender and is in long custody of about 01 year and 04 months. It is thus submitted that the victim was not cited as prosecution witness and for this reason, no test identification parade was conducted.

Learned State counsel submits that though 09 prosecution witnesses have been examined, however, due to inadvertence, victim Subhash Sharma was not cited as a witness and now an application under Section 311 Cr.P.C. to examine him has been filed and the same is pending.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the facts and circumstances of the case and also in view of the fact that the petitioner is in long custody of 01 year, 04 months and 06 days and is not involved in any other 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

27.07.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No