

CRM-M-29905-2021

Date of Decision: 18.08.2021.

SABBIR

...Petitioner

vs.

STATE OF HARYANA

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Prince Sharma , Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 1107 dated 12.11.2015, registered under Sections 395 and 397 IPC, 1860, at Police Station Sadar Jhajjar, District Jhajjar.

3. Learned counsel contends that the name of the petitioner does not figure in the FIR and he has been implicated in the present case on the basis of disclosure statement of co-accused Shahid son of Hassan Mohd., the police did not join any independent witness at the time of recording the disclosure statement of co-accused Shahid, vehicle No. HR 63B-8612 which was alleged to have been forcibly taken away by the accused, has been recovered and released on superdari to the owner besides the main accused Shahid son of Hassan Mohd., has been released on regular bail by the learned trial Court, the petitioner no doubt was declared proclaimed offender on 20.08.2016, but was rearrested on

16.02.2021, is in custody since said date, investigation is complete, challan has been presented, therefore no useful purpose would be served by keeping the petitioner behind bars as trial would take considerable period of time to conclude, besides the petitioner's brother is ready and willing to furnish surety of 1½ acres of land owned by him of the value of Rs. 15 Lakhs and petitioner undertakes to faithfully attend the trial on each and every date and not abscond.

4. Learned DAG, Haryana, on instructions from SI, Naresh Kumar, confirms that the petitioner was implicated in the instant case on the basis of disclosure statement of co-accused, Shahid son of Hassan Mohd. and that apart from the disclosure statement, there is no other material to connect the petitioner with the commission of the offence, the petitioner, was declared proclaimed offender on 20.08.2016 and was rearrested on 16.02.2021 and is behind bars since said date, investigation is complete, challan has been presented, though charges are yet to be framed. Learned DAG, further confirms that co-accused, Shahid son of Hassan Mohd. has been released on regular bail by the learned trial Court.

5. I have considered the submissions of learned counsel.

6. Accordingly, taking into account the position as noted above, but without commenting on the merits of the case, I am of the view that no useful purpose would be served by keeping the petitioner behind bars as trial is likely to take some time. Accordingly, the instant petition for regular bail is allowed. Petitioner is ordered to be released on regular bail during the pendency of the trial provided he is not required in any other case, on his

furnishing bail bond and surety bond to the satisfaction of the learned trial Court / Chief Judicial Magistrate / Duty Magistrate concerned, by taking into account the offer made by the petitioner to furnish surety of his brother as aforesaid or such other surety as is deemed appropriate in order to allay the fear of the prosecution of the petitioner absconding and not being available to face trial. The petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

7. Needless to mention, in case the petitioner is involved in any other case during the period while he is on regular bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case.

8. Petition disposed of in the aforementioned terms.

(B.S. Walia)
Judge

18.08.2021.

'rajesh'

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No