

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

(Sr. No. 223)

CRM-M No. 36283 of 2021

Date of decision : 03.11.2021

Kamruddin @ Kammu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. B. R. Vohra, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 45 dated 28.02.2013 registered under Section 395 IPC at Police Station DLF-1, Gurgaon, district Gurugram.

Briefly stated, the case of the prosecution is that the petitioner, along with his co-accused, stole a truck and robbed its driver.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; co-accused Zahid, Zaved and Zakir, who have been attributed similar role as the petitioner, have already been tried and acquitted by the Trial Court; for having been declared a proclaimed offender the petitioner has already suffered incarceration for over 8 months; investigation in the case is complete and therefore the petitioner is no longer required for the said purpose; in the other case against the petitioner under Section 395 IPC the petitioner has already been

admitted to bail by the Trial Court and that the petitioner's trial, which is yet to commence, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that there are serious allegations against him; that earlier he was declared a proclaimed offender; because he is involved in another case under Section 395 IPC and if he is released on bail he is likely to commit other offences.

Co-accused Zahid, Zaved and Zakir, who have been attributed a similar role as the petitioner have already been tried and acquitted by the Trial Court; investigation qua the petitioner is complete and therefore he is neither required for the said purpose nor can he influence the same; the petitioner is in custody since 25.02.2021; in the other case being faced by the petitioner under Section 395 IPC he has already been admitted to regular bail by the Trial Court and that the petitioner's trial which is yet to commence is likely to take long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Gurugram the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

If the petitioner is found indulging in any criminal act or misusing the concession of bail granted by this Court, it would be open to

the State to seek cancellation of bail granted through this order by filing an appropriate application before the competent Court/this Court.

03.11.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No