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

CRM-M-17970-2021 (O&M)

Date of decision : 04.08.2022

Arshad

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. A.K. Sehrawat, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Third petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.123 dated 12.04.2018, under Sections 392 & 397 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Tauru, District Nuh (Mewat).

In this case, prosecution was launched on the statement of one Mahabir alleging therein that on 09.04.2018, he went to Village Raniyaki for recovery of loan and collected Rs.40,000/- and thereafter, when started moving towards Village Subaseri. At about 11.45 AM, when he reached Village Subaseri forest region, four unknown persons came there and hit his motorcycle. As a result thereof, complainant lost balance and fell from the motorcycle, whereupon, one of the accused pointed a country-made pistol

on his forehead, while the other gave an iron rod blow on his leg. They snatched his bag containing Rs.40,000/-, one Samsung Tab, two Nokia mobile phones model No.216, one biometric machine and some papers from the complainant and fled away from the spot.

This Court, on 29.06.2021, while granting interim bail to the petitioner, passed the following order:-

“Contends that the petitioner is in custody since 22.01.2020 but the charges in this case are yet to be framed.

Learned State counsel seeks time to verify the pendency of other criminal cases against the petitioner.

Posted on 10.11.2021.

Till the next date of hearing, he be released on interim bail, in this case, subject to the satisfaction of learned Trial Court, Chief Judicial Magistrate/Duty Magistrate concerned.”

Learned counsel, on instructions from petitioner, submits that he is regularly appearing before learned trial Court. Also contended that there would be no apprehension of influencing the witnesses or tampering with the evidence, in case, petitioner is granted bail on regular basis.

The above factual position is duly acknowledged by learned State Counsel.

In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose.

Consequently, the present petition is allowed and interim bail granted vide order dated 29.06.2021, is made absolute. Petitioner be

admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

04.08.2022
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No