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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M No.16117 of 2022 (O&M)

Date of decision: 26.04.2022

Ishrar Ali

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

**Present:** Mr. Vikas Gulia, Advocate  
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

**ARVIND SINGH SANGWAN J. (Oral)**

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.275 dated 15.10.2021, for offence punishable under Sections 379-B of the Indian Penal Code, 1860 (in short 'IPC') and 25/54/59 of the Arms Act, registered at Police Station Lakhan Majra, District Rohtak.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered on a complaint given by one Nisar, he was doing the business of sale and purchase of hair. On 14.10.2021, he along with his brother Ishrar had gone to Lukhnow and by loading 03 quintals of hair, they were bringing it to their Village Lakhan Majra and when they reached on Rohtak-Jind road, a white colour car came from the back side and stopped in front of their car. Thereafter, 04 boys came out of the car and one boy pointed a pistol on his neck and asked for

keys of the car, the second boy gave knife blow on the thigh of the victim and another boy gave danda blow and snatched the keys of the car. Thereafter, the said boys started the aforesaid vehicle and took away the same.

Counsel for the petitioner has further submitted that the petitioner was later on nominated on the basis of the disclosure statement of Sadab, who has already been granted the concession of regular bail vide order dated 18.04.2022 passed by the Additional Sessions Judge. It is also submitted that the petitioner is in custody for the last 05 months and 19 days, challan stands presented and he is not involved in any other case.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. It is also submitted that the recovery of 90 Kgs of hair was effected from the petitioner, however, it is not disputed that he was nominated on the basis of the disclosure statement of the co-accused.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 05 months and 19 days; the co-accused of the petitioner is already released on bail; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required; challan stands presented and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)  
JUDGE

26.04.2022

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No