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

CRM-M-19762-2022 (O&M)

Date of Decision: 05.07.2022

Hashim

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Saurav Bhatia, Advocate,
for the applicant/petitioner.

Mr. Naveen S. Panwar, D.A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

At the outset, learned counsel for the petitioner has submitted that he had filed an application i.e. CRM-18982-2022 for withdrawal of the main case. This Court vide order dated 24.05.2022 has issued notice in the application for 12.07.2022. He further submitted that he wants to withdraw the said application and therefore, prayed that on his oral request the application may be preponed to today itself.

The request of learned counsel for the petitioner is accepted and the application i.e. CRM-18982-2022 is preponed to today itself.

CRM-18982-2022

Dismissed as withdrawn.

CRM-M-19762-2022

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.500 dated 20.11.2021, under Sections 398, 401, 420, 467,

468, 471 & 511 of the IPC and Sections 25, 54, 59 of the Arms Act registered at Police Station Sadar Nuh, District Mewat (Nuh).

Learned counsel for the petitioner has submitted that the petitioner is in custody since 22.11.2021 and as per the allegations contained in the FIR, a raid was conducted by the police on the basis of some information and two persons, namely, Kasim and Hamid were arrested and there was alleged recovery of 10 kgs. of fake gold and some weapons from them. He further submitted that so far as the alleged role against the petitioner is concerned, he had supplied SIM cards on fake Ids. He also submitted that the name of the petitioner was nominated on the basis of disclosure statement of the co-accused which is not admissible in evidence. He further submitted that the aforesaid two main accused have since been granted bail by the learned trial Court and they have been enlarged on bail and the investigation of the case has already been completed and challan has also been submitted, therefore, the petitioner may be considered for the grant of regular bail. He also submitted that the petitioner was falsely implicated in the present case and he is not involved in any other case and has got clean antecedents.

On the other hand, Mr. Naveen S. Panwar, learned Deputy Advocate General, Haryana, on instructions from A.S.I. Giriraj, has submitted that it is correct that the petitioner is in custody since 22.11.2021 and investigation of the case has been completed and challan has been presented before the competent Court. He further submitted that it is also correct that the petitioner is not involved in any other case and the main accused namely, Kasim and Hamid, were arrested along with some fake

gold and weapons and so far as the role of the petitioner is concerned, he had allegedly supplied SIM cards on fake Ids. and his name was nominated on the basis of disclosure statement of the co-accused.

I have heard the learned counsel for the parties.

The alleged role of the petitioner was with regard to the supply of SIM cards on fake Ids and the main accused, who were arrested, have been granted bail by the learned trial Court according to the learned counsel for the parties. The investigation of the case has already been completed and as per the learned counsel for the parties, the petitioner has got clean antecedents and is not involved in any other case. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, in view of the aforesaid circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

05.07.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |