

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

**CRM-M-40453-2022 (O&M)**

**Date of Decision: 20.12.2022**

Mustkeem

**....Petitioner**

**VERSUS**

State of Haryana

**....Respondent**

**CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH**

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

Mr. Gaurav Bansal, AAG, Haryana.

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**KARAMJIT SINGH, J. (Oral)**

**CRM-48651-2022**

Notice of the application.

Mr. Gaurav Bansal, AAG, Haryana accepts notice on behalf of  
the State and pleads no objection if the same is allowed.

Accordingly, the application is allowed and the main case is  
taken on board today itself.

**Main case.**

Prayer in the present 2<sup>nd</sup> petition under Section 439 of Code of  
Criminal Procedure is for grant of regular bail to the petitioner in case FIR  
No.124 dated 9.5.2021 registered for the offences punishable under Sections  
379-A, 34, 55 IPC (Section 379A IPC deleted, offence under Sections 395,  
397, 120-B IPC and Sections 25, 54, 59 of Arms Act added later on) at  
Police Station Hathin, District Nuh.

Counsel for the petitioner *inter alia* contends that FIR in this case was registered against unidentified persons with regard to snatching of vehicle from complainant-Naseem Ahmed and that during the trial, the complainant appeared in the witness box as PW2 but he failed to identify the accused persons including the petitioner in the Court and copy of his testimony is Annexure P-2. He further submits that the petitioner is in custody since 12.5.2021. So, prayer is made that the petitioner be released on regular bail.

Notice of motion.

Mr. Gaurav Bansal, AAG, Haryana accepts notice on behalf of the State and on instructions from ASI Subhash has admitted that during the trial, the complainant appeared as PW2 but he did not support the case of the prosecution. State counsel has also apprised the Court that the petitioner is in custody since 12.5.2021 and that the trial is going on and till date, 7 prosecution witnesses are examined out of total 12 witnesses.

I have considered the submissions made by the counsel for the parties.

FIR in this case was registered against unknown persons who snatched *Dumper* having registration No.HR38-AB-7371 driven by complainant-Naseem Ahmed. The petitioner was arrested on 12.5.2021 and since then, he is lodged behind the bars. Admittedly, the complainant was examined during the trial but he failed to identify the petitioner while appearing in the witness box and copy of his deposition is Annexure P-2. The trial is going but it will take time to conclude. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

( KARAMJIT SINGH )  
JUDGE

December 20, 2022

Paritosh Kumar

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |