

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

229

CRM-M-52197-2021 (O&M)

Date of Decision: 03.03.2022

NASEEM ALI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Atul Partaap Dhankar, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.42 dated 19.02.2020, registered under Sections 379-B, 392, 411 IPC and Sections 25 and 27 of the Arms Act, at Police Station Murthal, District Sonipat.

Status report by way of affidavit dated 28.02.2022 of the Deputy Superintendent of Police, Head Quarter, Sonipat, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the petitioner has been in custody since 18.12.2020 and that, on 27.10.2021, the complainant, while appearing as PW-1 before the learned trial Court has specifically stated that the petitioner is not a person, who had snatched the amount from him. He further submits that, as far as one other cases, registered

and/or pending against the petitioner are concerned, the petitioner has

been indicted in those cases on the basis of the disclosure statements of the co-accused and is on bail.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence. He further submits that out of 12 prosecution witnesses, only 01 has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 18.12.2020. The petitioner is on bail in other cases. Prosecution evidence is yet to conclude. Complainant, while appearing as PW-1, has failed to identify the petitioner as an accused. In such circumstance, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

03.03.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*