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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54761-2021 (O&M)
Date of Decision:30.05.2022

Umardin Jaan Mohd. @ Robin

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saifuddin Shams, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.279 dated 25.12.2012 registered under Sections 395 and 397 IPC, 1860 and Section 25 Arms Act, 1959 at Police Station Bilaspur, District Gurugram. The petitioner is in custody since his arrest on 15.12.2021.

The FIR was registered on the statement of Satender and the allegations as noticed by the ld. Addl. Sessions Judge, Gurugram in the order dated 24.12.2021 are as under:

“In brief, the prosecution case is that in the night of 24.12.2012, driver Chandan alongwith conductor Manish was on the way to Delhi in their vehicle Tata 1109 bearing registration No. HR55H-3717 containing 9 ton saria; that when they reached Panchgaon 5-6 persons came in their car and looted the vehicle on gun and knife point and also abducted the driver and the conductor and they were calling each other with their names as Robin, Yunus, Mubin and Jafru Kala and after some time they left both the driver and conductor near a hotel. Hence, the present FIR was lodged.”

Learned counsel for the petitioner contends that the petitioner

was falsely implicated in this FIR and later on, he was declared proclaimed

offender vide order dated 29.08.2014. He submits that the petitioner had left India and was settled in Saudi Arabia, therefore, could not join the trial proceedings, whereas three of his co-accused have been convicted and the other stand acquitted through respective judgments dated 14.03.2014 and 08.03.2019. Learned counsel has drawn the attention of the Court to the order dated 06.01.2022 passed by this Court to contend that as the petitioner suffered serious head injuries in an assault and required neuro surgery, therefore, concession of interim regular bail was extended to him for a period of four weeks. According to him, the petitioner was successfully operated upon and pursuant to the directions given by this Court, he had surrendered in time. Learned counsel further submits that the investigation qua the petitioner is also complete and the charges have been framed on 18.04.2022, but no prosecution witness has been examined so far, therefore, considering his health condition, he be released on regular bail.

Learned State counsel assisted by ASI Mahesh, while opposing the prayer does not dispute the sequence of events narrated by the learned counsel for the petitioner except the fact that the petitioner was well aware of the trial proceedings and had left for Saudi Arabia on 18.09.2014, after he was declared as proclaimed offender on 29.08.2014. He states that in all, there are twenty two prosecution witnesses, but none has been examined so far.

Considering the above background, custody of the petitioner, particularly his health condition, this Court is of the opinion that as the conclusion of trial is likely to consume considerable time because no prosecution witness has been examined so far, therefore, further detention of the petitioner may not serve any useful purpose, who is presently

confined in judicial custody after his arrest.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

30.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No