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

CRM-M No.57816 of 2022 (O&M)

Date of decision: 23.12.2022

Wasim Khan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Satish Chaudhary, 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.12 dated 08.01.2018, for offence punishable under Sections 457, 380, 411, 413, 420, 467, 468, 471, 120-B and 216 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station City Gohana, District Sonapat.

Counsel for the petitioner has relied upon the order dated 04.10.2021 passed in CRM-M No.25489 of 2021 vide which the co-accused of the petitioner namely Anish Khan @ Nawab was granted the concession of regular bail. Similarly, another co-accused of the petitioner namely Iqbal was also granted the concession of regular bail vide order dated 12.03.2021 passed in CRM-M No.10370 of 2021. The operative part of the said order dated 04.10.2021 passed in CRM-M No.25489 of 2021, reads as under:-

“Learned counsel for the petitioner submits that the petitioner is now going to complete 02 years of custody and the offences are triable by the Court of Magistrate. It is further submitted that the FIR was registered at the instance of one Pawan with the allegations that his tractor trolley was stolen by somebody and later on, during the investigation, the petitioner was arrested on the basis of disclosure statement of co-accused. It is further alleged that the petitioner has prepared a forged registration certificate of the tractor and on the basis of same, an agreement to sell was executed with the complainant.

Learned State counsel has filed the custody certificate dated 02.10.2021 in the Court today. As per this custody certificate, the petitioner is involved in some other cases.

A perusal of the custody certificate shows that in some of the cases, the petitioner stands acquitted, in six cases, he has already undergone the sentence and in some other cases, he is on bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 11 months and 15 days; offences are triable by the Court of Magistrate and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has further submitted that the petitioner is in custody since 17.09.2022 and challan stands presented and no recovery was effected from the present petitioner and as per the allegations in the FIR, the only allegation against the petitioner is under Section 120-B IPC.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 03 months and 06 days; the co-accused of the petitioner are already released on bail; the custodial interrogation of the petitioner is not required 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/Illaq 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

23.12.2022

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No