

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

CRM-M-1025-2023

DECIDED ON: 09.02.2023

IRSHAD

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

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

Mr. Gagandeep Singh Chhina, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.460, dated 04.05.2016, under Sections 346, 387, 395, 420, 506(2) of the IPC, 1860 and Sections 25, 54, 59 of Arms Act, registered at Police Station Sadar, Gurugram, District Gurugram.

Learned counsel for the petitioner contends that on the date of occurrence, the petitioner was working and posted in Haryana Fire and Emergency Services, Mewat and his attendance is duly marked therein on the said date of occurrence and he has been falsely implicated in the instant case merely on the basis of disclosure statement made by the co-accused Irfan.

Learned State counsel has produced the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 5 months and 5 days.

Learned State counsel though contends that he is the prime

accused who brought the complainant from Rajiv Chowk, Gurugram and procured Rs.6,00,000/- from the complainant and withdrew an amount of Rs.96,000/- through his ATM card.

Be that as it may, in the light of the factum of having marked presence in a Government office, serving as a driver in Haryana Fire and Emergency Services, Mewat, on that very day of alleged occurrence, by no stretch of imagination it can be inferred that the petitioner was present there at place of occurrence. Even further on this account, there is strong probability of his acquittal in the trial.

Considering the aforesaid facts, no fruitful purpose would be served to keep the petitioner behind the bars any further.

Therefore, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, it is made clear that the observations made hereinabove shall have no bearings on the merits of the trial.

(SANDEEP MOUDGIL)
JUDGE

09.02.2023

Meenu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No