

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

**CRM-M No.6961 of 2022 (O&M)
Date of Decision: 09.03.2023**

Mohammad Salman

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Jagdeep Singh Rana, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.514 dated 21.09.2018, under Sections 395, 397, 216, 120-B of the Indian Penal Code, 1860 & Section 25 of the Arms Act, 1959, registered at Police Station Dharuhera, District Rewari.

2. Allegations are that on 20.09.2018, complainant along with one Gajender Rathore was proceeding to Ahmedabad in a Car bearing registration No.GJ-02CA-3548 with their Company's amount of Rs.4.5 Crores. Around 08:50 PM, when reached near Dharuhera, they noticed that their Car was being chased by three Cars. Meanwhile, an Endeavour vehicle came to the side of complainant's Car; a Honda City Car was put in front and a Vista Car was put

behind the Car of complainant. Around 12-15 persons, armed with rifles, alighted from their vehicles; snatched the Car, aforesaid amount and mobile phone from the complainant.

3. This Court, on 21.02.2022, granted interim bail to petitioner in the following manner:-

“Petition for grant of regular bail in case FIR No.514, dated 21.09.2018, under Sections 395, 397, 216 and 120-B IPC and Section 25 of the Arms Act, 1959, registered at Police Station Dharuhera, District Rewari.

Learned counsel for the petitioner submits that the petitioner may be released on interim bail on account of the marriage of his sister, which is going to be solemnized on 24.02.2022.

In response to the notice of motion, learned State Counsel has ascertained the above factual position, but opposed the prayer.

This is an admitted fact that petitioner is the real brother of Adiba, who is going to be married on 24.02.2022. There is no dispute that certain ceremonies are to be performed by the petitioner being her real brother; therefore, in the opinion of this Court, he deserves the concession of interim bail. As a result thereof, prayer for grant of interim bail is allowed. The petitioner be released forthwith on his furnishing adequate bail bonds as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and he will surrender before the Jail Authorities on 26.02.2022 at 10:00 AM.

Posted on 04.04.2022.”

4. Learned Counsel for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before the Court below. Also contends that trial is going on but there is no progress. Further contends that there is no other criminal case pending against the petitioner.

5. Learned State Counsel upon instructions from the quarter concerned is not able to dispute the above factual position.

6. Heard both sides and perused the paper-book.
7. Concededly, the petitioner is fully cooperating before the Court below and there is no allegation that in case granted regular bail, he will misuse the concession in any manner; thus, in such a scenario, sending the petitioner in custody at this stage would not serve any purpose.
8. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 21.02.2022, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
10. The above observations may not be construed as an expression of opinion on the merits of the case.
11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.
12. Disposed off accordingly.

March 9th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No