

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.220

CRM-M-20978-2023

Date of decision: 24.05.2023

Abu Bakar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Saurav Bhatia, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.126 dated 21.08.2021 registered under Sections 153-A, 295-A, 298, 323, 406 and 506 IPC (Sections 342 and 34 IPC added later on) at Police Station Roz Ka Meo, District Nuh (Mewat).
2. The petitioner is being prosecuted for having forcibly converted the complainant to a Muslim.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner is in custody since 29.08.2021; even if the petitioner is convicted for the offences he is being prosecuted for he can be imprisoned for only 03 years; all material witnesses in the petitioner's trial have since been examined; in fact, the complainant while appearing before the trial court, has not towed the prosecution's line; co-accused Sahzad has been granted regular bail by this Court and that since in the petitioner's trial 13 prosecution witnesses still remain to be examined, the same will take a long time to conclude.
4. Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has forced the complainant to

convert his religion and that he faces two other cases of similar nature.

5. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

6. The petitioner is in custody since 29.08.2021; even if the petitioner is convicted for the offences he is being prosecuted for the maximum sentence that can be imposed upon him is 03 years out of which he has already undergone nearly 01 year and 09 months of actual custody; all material witnesses in the petitioner's trial have since been examined; co-accused Sahzad has already been granted regular bail by this Court; the complainant while appearing before the trial court has not towed the prosecution's line and that since in the petitioner's trial 13 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

7. Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Nuh, the petitioner is directed to be released on bail.

8. It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

May 24, 2023
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No