

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M No.29473 of 2023 (O&M)
Date of decision: 15.12.2023

Mohammad Neyaj Alam

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Kunal Dawar, Advocate
for the petitioner.

Ms. Harsh Rekha Kapoor, AAG, Haryana.

NAMIT KUMAR J. (Oral)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.433 dated 10.08.2022, registered under Sections 387 and 506 IPC (challan presented under Sections 387, 506, 419 and 403 IPC) at Police Station Sector 10-A, Gurugram, District Gurugram.

Counsel for the petitioner submits that, as per the allegations, the FIR was registered on the basis of the complaint moved by the complainant, stating therein that he received a phone call on his Mobile No.9873600700 from 7631258254, wherein the petitioner made a ransom call and demanded Rs.10.00 lacs and thereafter, provided him his SBI Account No.11718405208, to deposit Rs.5.00 lacs therein, however, no amount has ever been paid to the petitioner by the complainant.

Counsel for the petitioner further submits that the petitioner

is in custody for the last 01 year, 03 months and 10 days; he is not involved in any other case; the investigation is complete; challan has been presented; charges have been framed and there are total 12 PWs cited in the list of witnesses, out of which only 05 PWs have been examined so far and the trial is likely to take considerable long time to conclude and therefore, the petitioner may be enlarged on regular bail.

Per contra, learned State counsel while placing on record the custody certificate opposes the prayer for grant of regular bail to the petitioner on the ground that the petitioner is a resident of Bihar and if released on bail, he may escape the trial.

I have heard learned counsel for the parties and perused the record.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 03 months and 10 days; he is not involved in any other case; the investigation is complete; challan stands presented; charges have been framed and out of 12 PWs, only 05 PWs have been examined so far and the conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

However, apart from conditions that may be imposed by the trial Court/Duty Magistrate/Illaqa Magistrate concerned, if any, the petitioner shall remain bound by the following conditions: -

- (i) *The petitioner shall not mis-use the liberty granted.***
- (ii) *The petitioner shall not tamper with any evidence***

- oral or documentary during the trial.*
- (iii) The petitioner shall not absent himself on any date before the trial.*
 - (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.*
 - (v) The petitioner shall deposit his passport, if any with the trial Court.*
 - (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*
 - (vii) The petitioner shall not, in any manner, try to delay the trial.*

In case of breach of any of the aforesaid conditions and those which may be imposed by the trial Court, the prosecution shall be at liberty to move an application for cancellation of bail of the petitioner.

(NAMIT KUMAR)
JUDGE

15.12.2023
yakub

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