

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

CRM-M-31492-2023

Date of Decision:27.07.2023

Ibley Hassan

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sachin Ohri, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.25, dated 22.01.2023, under Sections 342, 395 and 397 of IPC and Section 25 of the Arms Act (Sections 379-B, 120-B, 427 and 412 of IPC added later on) registered at Police Station Madhuban, District Karnal.

2. Learned counsel for the petitioner contends that the petitioner was not named in the present FIR and had been nominated as an accused during the course of investigation on the statement made by Mohammad Sahid, owner of the vehicle, which was allegedly used in the commission of crime. In fact, in his said disclosure statement, the owner of the truck alleged that the petitioner was driving the truck in question at the time of commission of crime. Learned counsel further contends that in fact, the petitioner had left the job as a driver six months ago and had no concern with the alleged occurrence. He further

contends that the police was wrongly trying to connect the petitioner on the basis of CCTV footage, whereas the presence of the petitioner was not noticed in the said CCTV footage. Learned counsel further contends that he was arrested in the present case on 24.01.2023 and the investigation is complete in all respect. He further contends that only charges have been framed against him and the conclusion of the trial will take quite a long time.

3. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in a serious crime and one more case under Electricity Act has been registered against him.

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

5. Taking into consideration the totality of the facts and circumstances and without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

6. Since, the petitioner is involved in a serious case, he is directed to appear on 1st and 3rd Monday of every month before SHO, Police Station Madhuban, District Karnal and the presence of the petitioner shall be marked in the *Roznamcha* of the police station during the pendency of the trial before the learned Trial Court. The petitioner shall also file an affidavit before the SHO Police Station, Madhuban as well as before the learned Trial Court with regard to his ordinary place of residence and the mobile number to be used by him, during

the pendency of the trial. In case of any change, he shall again share the details with the SHO, Police Station Madhuban as well as the Learned Trial Court.

27.07.2023
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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No