

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.208

Case No. : CRM-M-35823-2023

Date of Decision : September 11, 2023

Mosim		Petitioner
vs.		
State of Haryana		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Mohammad Arshad, Advocate
for the petitioner.

Mr. Ayuwan Singh, AAG, Haryana.

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GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.07 dated 07.01.2022, under Sections 395, 397, 307, 476, 420, 427, 201 IPC, 1860 and Sections 25 of the Arms Act, 1959, registered at Police Station Ferozepur Jhirka, District Nuh.

2. Learned counsel for the petitioner has submitted that the main witnesses have already been examined. They have not supported the prosecution version. The co-accused Jafar and Yusuf has already been granted bail by this Court in **CRM-M-41974-2022**, vide order dated 09.06.2023. The petitioner is also entitled for bail on the ground of parity. Therefore, the petitioner be released on regular bail.

3. On the last date of hearing, Status Report and Custody Certificate of the petitioner were filed by learned State counsel.

4. Learned State counsel, while referring to the Status Report, has opposed the bail petition. He has fairly submitted that the persons, who were robbed and kidnapped, have not supported the version of prosecution. It is further submitted that the petitioner is involved in other cases as well. So, he should not be granted concession of regular bail.

5. Heard.

6. The case in hand was registered on the statement of Jamshed, who has been examined as PW-1. He has not supported the version of the prosecution. As per allegations, 3-4 persons, who were in the Bolero car, came out and climbed on dumper from conductor and driver sides. The conductor Jakir was also over-powered by them from conductor side. The accused had also robbed the purse of Jakir. While recording evidence, Jakir, Almas and Rashid were examined as PW-2, PW-3 and PW-5 respectively. They have also not supported the version of the prosecution. Thus, the persons who were robbed and kidnapped have not supported the case of the prosecution.

7. The petitioner has already undergone sentence of more than one year. The conclusion of trial may take a long time. It is the case of no injury. Culpability of the petitioner shall be decided during trial of the case.

8. In view of the aforesaid facts and circumstances of the case, since completion of trial will take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long time.

9. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of

learned Trial Court/Duty Magistrate concerned. The petitioner shall also abide by the following conditions :-

(i) *The petitioner shall give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change his mobile number during pendency of the case.*

(ii) *The surety/sureties shall also disclose their mobile numbers at the time of furnishing bonds.*

(iii) *The petitioner shall get the above-said mobile numbers noted with the concerned Police Station and shall not change his residence without prior intimation to the SHO concerned and the Trial Court.*

(iv) *The petitioner shall appear before the Trial Court on each and every date of hearing.*

(v) *The petitioner and surety/sureties shall not close/block their mobiles till the disposal of the case.*

(vi) *The petitioner shall surrender his passport and shall not leave the country without the prior permission of the Trial Court.*

10. The Trial Court is at liberty to impose any other condition that it may deem appropriate. It is further clarified that in case of default of any of the conditions, then the concerned Court is competent to cancel the bail granted to the petitioner.

11. However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case and the Trial Court would

proceed independently of the observations above, which have only been made for the purpose of adjudication of the present petition for grant of regular bail.

12. Pending applications, if any, shall stand disposed of along with the present petition.

September 11, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.