

CRM-M-43542-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43542-2023

Date of decision: 20.09.2023

ABDOL SALAM BAVAR

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vishal Garg Narwana, Advocate and
Mr. Vasu Ranjan Shandilya, Advocate,
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case bearing FIR No.61 dated 06.03.2023, registered at Police Station Civil Lines, Gurugram, District Gurugram, under Section 379-A IPC and Section 34 IPC (added later on while filing the final report under Section 173 Cr.P.C).

2. Status report dated 16.09.2023 by way of affidavit of the Assistant Commissioner of Police, City Gurugram, filed in the Court today, is taken on record.

3. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that in the FIR, there is no disclosure as to when and where the alleged occurrence had taken place; that the petitioner was arrested in another case i.e. FIR No.614 dated

CRM-M-43542-2023

23.10.2022, under Sections 379, 420, 304 and 34 IPC, registered at Police Station Sadar, District Gurugram, that production warrants of the petitioner and one Hossein Rezaeifard were got issued from the concerned Court, asking them to join investigation on 19.04.2023; that the petitioner has been indicted in the present case on the disclosure statement; that as per the version of complainant, he had identified the petitioner through social-media and thus, there was no test identification parade wherein the petitioner had been identified by the complainant. It is further submitted that out of 15 prosecution witnesses, 04 witnesses have been examined till date; that the petitioner has been in custody since 19.04.2023, and that recovery has already been effected. So far as other cases registered or pending against the petitioner, are concerned, he has been released on bail therein.

4. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith co-accused snatched Rs.12,000/- from the complainant and thereafter had run away in a car, and that test identification parade of the petitioner and the aforesaid co-accused was got conducted on 25.04.2023 and the complainant had identified both of them. It is further submitted that material prosecution witnesses are yet to be examined and that the petitioner is a habitual offender.

5. I have heard the learned counsel for the parties.

6. The petitioner was indicted in the present case on the disclosure statement and at that time, he was in custody in another case i.e.

FIR No.614 dated 23.10.2022, under Sections 379, 420, 304 and 34 IPC,

CRM-M-43542-2023

registered at Police Station Sadar, District Gurugram.

7. The petitioner has been in custody since 19.04.2023. As many as 11 prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. So far as other cases registered or pending against the petitioner, are concerned, he has been released on bail therein.

8. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

20.09.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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