

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-42934-2023

Date of Decision:-04.09.2023

Liyakat.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Saleem Ahmed, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.185 dated 26.04.2023 under Sections 379-A IPC and later on added Section 34 IPC registered at Police Station Sadar Tauru, District Nuh.

2. The present FIR came to be registered at the instance of Yogender son of Naiksi Lal who stated that he was working as a driver on a canter vehicle. On 26.04.2023 he had started from Neemrana to Vaishali (UP). At about 11.00 am when he reached KMP Tauru bridge and stopped his vehicle, three persons came on a motor cycle. Two persons got off from the motor cycle and one person came into the driver side of the cabin, while another person entered the conductor side of the cabin. Momdin and Iqbal who had entered the cabin of the canter were calling each other by names and took away his mobile phone along with Rs.7500/-. They (Momdin and Iqbal) asked Liakat (petitioner) to come fast with the motor cycle as the

work had been done. On his (complainant's) making a noise, all the three fled away. Legal action was sought.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No test identification parade was conducted and, therefore, it would be difficult to affix the liability upon the petitioner as his identity has become debatable. Pursuant to his arrest the recovery of the mobile phone of the complainant has been planted upon the petitioner. As the petitioner is a first time offender, in custody since 26.04.2023 and none of the 08 prosecution witnesses had been examined so far, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner and his co-accused have been involved in the commission of the grave offences. Therefore, the nature of the allegations levelled against them did not entitle the petitioner to the grant of bail. He further states that the petitioner is a first time offender, in custody since 26.04.2023 and none of the 08 prosecution witnesses have been examined so far.

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

6. The veracity of the prosecution case against the petitioner shall be adjudicated upon during the course of the trial. Admittedly, the petitioner is a first time offender, in custody since 26.04.2023 and none of the 08 prosecution witnesses have been examined so far. Therefore the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Liyakat** son of Sh. Hameed is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.
9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.25,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 04, 2023

Vinay

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