

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

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**CRM M-43417 of 2023
Date of Decision: 06.09.2023**

Mohd. Nadim

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. Garima Sharma, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.4 dated 04.01.2021 registered under Sections 397/379-B/506/201 IPC and Sections 25/54/59 of Arms Act at Police Station Mullana, District Ambala.

2. As per the case of the prosecution, the petitioner alongwith his other co-accused had hired a taxi of the complainant and on the way, they had caused gun shot injuries to the brother-in-law of the complainant and forcibly snatched the vehicle. It was also alleged that one mobile phone, ATM cards and a purse containing Rs. 10,000/- were also snatched from the complainant in the present case.

3. Learned counsel for the petitioner contends that the petitioner is not named in the FIR and has been falsely involved in the

present case. Learned counsel further contends that no physical description of the accused was mentioned in the FIR and no evidence was collected during the course of investigation to connect the petitioner with the alleged crime. She further contends that the petitioner was arrested in the present case on 05.06.2021 and is in custody for the last about 02 years and 08 months. She further submits that the complainant has already been examined in the present case and till now only 06 witnesses out of 22 witnesses have been examined. Consequently, the trial Court may take considerable time to conclude the trial. Learned counsel further contends that even the injuries allegedly suffered by the brother-in-law of the complainant were superficial in nature and the injured was discharged. Thus, further custody of the petitioner will serve no meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner alongwith his co-accused had snatched the vehicle of the complainant and also looted other belongings of the petitioner. Thus, he does not deserve the concession of bail by this Court.

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

6. It is not in dispute that the petitioner is in custody for the last about 02 years and 08 months and a country made pistol of .315

bore was recovered from him. The complainant has already been examined in the present case and the prosecution has only been able to examined 06 witnesses out of 22 witnesses. Thus, the trial may take quite a long time to conclude and further custody of the petitioner will serve no meaningful purpose.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall

share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1^s Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

06.09.2023

amit rana

(N.S.SHEKHAWAT)

JUDGE

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