

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

CRM-M-46216-2023

Date of Decision:08.12.2023

Waseem

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Sarfaraj Anjum Mor, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 183 dated 27.05.2020, registered under Sections 279,336,186,188,332,333,353,307 of IPC and 181 of M.V Act Police Station Hodal, Palwal, Haryana (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been arrayed as an accused in the present case, after a considerable delay of more than two years. In fact, he has been falsely involved by the co-accused Juhurddin in the present case, due to party faction in the village. Learned counsel further contends that initially Juhurddin, owner of the vehicle, was arrayed as an accused in the present case. Juhurddin had filed anticipatory bail before the Court of Sessions Judge, Palwal as well as this Court and both the applications were ordered to be dismissed by the Courts. While referring to Annexure P-3 and Annexure P-4, learned counsel further submits that Juhurddin had himself admitted that he was legally transporting

the sand and there was no reason for escaping from the place of occurrence. Learned counsel further contends that the petitioner was arrested in the present case on 06.07.2023 and is in custody for the last more than 5 months. Learned counsel further contends all the offences are triable by the Court of Magistrate and his further custody will not serve any meaningful purpose.

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 serious and specific allegations have been levelled against the present petitioner.

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

5. The petitioner was arrested in the present case on 06.07.2023 and is in custody for the last more than 05 months. Even he was arrayed as an accused in the present case after a period of about two years and the involvement of petitioner is yet to be established by the prosecution, during the course of trial.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

08.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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