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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48387-2023 (O&M)

Date of Decision: 29.11.2023

Salman

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Rosi, Advocate for Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

CRM-43169-2023

Ms. Rosi, Advocate has appeared on behalf of the petitioner and has stated that she has been recently engaged and has filed her power of attorney on behalf of the petitioner after taking no objection from the earlier counsel which is taken on record. She submitted that the earlier counsel has filed the present application for withdrawal of the main case but the petitioner does not wish to withdraw the main case and the same may be heard on merits.

In view of the above, the present is disposed of.

Main case

1. The present petition has been filed under Section 439 of the

Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 132 dated 01.08.2023, under Sections 147, 148, 149, 186, 283, 295-A, 323, 332, 353, 341, 435, 307, 379-B, 201 IPC, Section 3 of the Prevention of Damage to Public Property Act and Section 25 of Arms Act, registered at Police Station Bichhor, District Nuh.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 20.08.2023 and the challan has been presented after the completion of investigation. She submitted that the allegations in the present case were that on 31.07.2023 about 80-90 people had collectively pelted stone on a Yatra in District Nuh. She submitted that although violence had taken place at that point of time but the petitioner has been falsely implicated in the present case because he is a barber and he was at his shop and his name has been nominated only on the basis of the fact that his mobile location matched to the place of occurrence and also on the basis of disclosure statement of a co-accused. She submitted that even some of the other witnesses in the vicinity have also apprised the police that the petitioner is only a barber and he was not involved in commission of crime but he has been falsely implicated. She further submitted that some of the other similarly situated co-accused have been rather granted bail by the learned trial Court vide Annexure P-2 and P-3. She submitted that nothing is to be recovered from the petitioner because the investigation has already been completed and the trial of the case may take long time and, therefore, the petitioner may be considered for the grant of regular bail. She further submitted that the petitioner is not involved in any other case and has got clean antecedents.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana has

submitted that it is correct that the petitioner is in custody from 20.08.2023 and the investigation of the case has already been completed. He has however submitted that apart from the matching of the location of the mobile phone, the petitioner was also seen in the CCTV footage in which he was setting on fire a Breeza car and gave beatings to the driver of the Breeza car. He however submitted that the aforesaid CCTV footage has been sent to the Forensic Laboratory but the report has not come as yet.

4. Learned counsel for the petitioner has denied the aforesaid factual position and submitted that the petitioner is not involved at all in setting on fire any car.

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

6. The investigation of the case has already been completed and the challan has been presented. The petitioner is in custody from 20.08.2023 and he is stated to be having clean antecedents and is not involved in any other case. Learned State counsel has relied upon one CCTV footage but the authenticity of the same has not been ascertained as yet. As per the learned counsel for the petitioner, the petitioner is a barber and was running a shop and it was only to implicate large number of persons that the police has implicated the petitioner. Apart from the above, the other similarly situated co-accused have been extended the benefit of regular bail by the learned trial Court vide Annexure P-2 and P-3.

7. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

29.11.2023

rakesh

Whether speaking : Yes/No

Whether reportable : Yes/No

(JASGURPREET SINGH PURI)

JUDGE