

Neutral Citation No.2023:PHHC:161306
IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-55866 of 2023 (O&M)
Date of decision : 15.12.2023

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Imran @ Kala @ Imran Khan

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sanyam Khetarpal, Advocate for the petitioner.

Ms. Jasleen Chahal, Deputy Advocate General,
Haryana, for the respondent/State

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MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of regular bail under Section 439 Cr.P.C., in case FIR No.70 dated 1.12.2018 under Sections 279/307 IPC of the Indian Penal Code, 1860, Section 13(2)/17 of Haryana Gauvansh Sanrakshan and Gausmvardhan Act, 2015, registered at Police Station Dhauj, District Faridabad.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, inter alia contends that a perusal of the same reveals that neither the petitioner was named therein, nor any allegations or suspicion raised qua the presence of the petitioner in the vehicle which tried to run over the complainant party, which had allegedly intercepted the TATA 407 vehicle carrying some cattle in it. Learned

counsel submits that strangely after five years of the alleged occurrence, on the basis of a disclosure statement suffered by co-accused Nasim, the petitioner was nominated as an accused in the case in question and the role attributed to him was of pelting stones at the complainant party. Learned counsel further submits that the false implication of the petitioner in the FIR in question is further evident from the fact that he has clean antecedents as he is not involved in any other criminal case, much less, of a similar nature. It has also been submitted that 6 out of the 8 accused, including the accused who were named in the FIR, had been extended the concession of regular bail.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions has not been able to controvert that the petitioner was not named in the FIR in question, nor was there any suspicion raised qua his involvement in the crime in question; however, she submits that the petitioner's role came to light when co-accused Nasim was arrested and he made a disclosure statement, wherein he stated that the petitioner had also indulged in stone pelting on the complainant, on the fateful day, when the vehicle carrying the cattle was stopped by the members of Gau Raksha Yuva Vahini Trust.

4. On a pointed query, learned State counsel has not disputed that the petitioner is not involved in any other criminal case. On a further query, she has informed the Court that after the supplementary challan was presented against the petitioner on 30.7.2023, charges had not yet been framed and now the next date

before the trial Court is today, when the charges are likely to be framed.

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

6. In the facts and circumstances, as enumerated hereinabove, coupled with the fact that similarly situated co-accused, out of whom some were also named in the FIR in question, have already been extended the concession of bail, this Court deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

15.12.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking / reasoned Yes / No

Whether reportable Yes / No