

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1739-2024
Decided on : 10.04.2024

Munna @ Imamudin

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jagmohan S. Ghumman, Advocate
for the petitioner.

Ms. Trishanjli Sharma, DAG, Haryana.

Mr. Rajesh Lamba, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.316 dated 30.08.2015 under Sections 148, 149, 323, 341, 302 and 506 IPC registered at Police Station Tauru (Sadar Tauru) District Nuh.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand for the murder of Saleem (hereinafter referred to as 'deceased'). While drawing the attention of this Court to FIR annexed as Annexure P-1, learned counsel has further submitted that a perusal of the same clearly reveals that totally vague allegations have been levelled by the complainant that the petitioner along with co-accused had assaulted the deceased; no specific role had been assigned to the petitioner in

the alleged occurrence. It has still further been argued that a false and fabricated case having been planted upon the petitioner was evident from the fact that all the other accused qua whom identical allegations had been levelled, had since been acquitted by the Trial Court on 07.02.2018, as the prosecution had failed to prove the guilt of the accused beyond reasonable doubt. In support, learned counsel has invited the attention of this Court to the judgment of acquittal passed by the trial Court, which has been annexed as Annexure P-6.

Learned counsel for the petitioner has further submitted that no doubt, the petitioner was declared a proclaimed offender after the registration of the FIR in question, however, it was a matter of record that during that time when he allegedly absconded, he was not involved in any other criminal case. Learned counsel has contended that the petitioner has now been in custody since 18.12.2023, charges have not yet been framed and are likely to be framed on the next date of hearing i.e. 17.05.2024 coupled with the fact that as many as 17 prosecution witnesses have been cited. Hence, there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel assisted by counsel for the complainant has vehemently opposed the prayer made by learned counsel for the petitioner, however, it has not been disputed by either of them that the allegations levelled against the petitioner in the crime in question were identical to those levelled against the co-accused, who had since been acquitted by the Trial Court vide judgment dated 07.02.2018 (Annexure P-6). It has also not been controverted by the

learned counsel for the complainant that even though an application under Section 319 Cr.PC was moved by the prosecution against some identically placed co-accused, however, it was not only dismissed by the Trial Court but even later on affirmed by this Court. Learned State counsel, on instructions, has not been able to dispute the stage of the trial. It has also not been disputed by him, on instructions, that during the period when the petitioner absconded, he was not involved in any other criminal case.

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

5. Before proceeding further, it would be relevant to reproduce the relevant portion of the FIR wherein allegations have been levelled against the petitioner and the other co-accused, which is as under:

“That today at approximately 02.00 pm my brother visited me and said that he has received some news from his wife, who is at her parental house that she is very sad and bothered and is asking him to get her back. That I advised my brother that if they are calling you then you should go to your in-laws house but avoid any confrontations with anybody, which may result in something untoward. That at 06.35 pm, I received a telephonic call from my brother Saleem from mobile number 9812259553 on my mobile number 9050871716 craving for help and asked me to reach his in-laws house as soon as possible if I were to see him alive, that he has been served poison in drinking water and that they have beaten him up and tied him with rope to a Neem tree. That on receiving this information my Taya’s son Fakru s/o Younus, my brother

Aklhtar @ Bada, Sameer s/o Roze Khan and myself reached my brother's in-laws house and found him tied to the Neem tree with a rope surrounded by Jaanu s/o Rehmat r/o Roopdakka Police Station Hatheen, Kamaalu s/o Isaaq r/o Bhangoh Police Station Tauru, Bhola @ Mustaaq, Munna, Billu s/o Zaakir, Hassan Basri w/o Zaakir, Moni @ Zubaina d/o Zaakir, Asgar s/o Nizra, Zaikam s/o Kutru r/o Mohammadpur Dhaani and that all the above mentioned individuals were carrying 2-2 wooden canes, shoes, sandals and were beating my brother in our presence. That as soon as we tried to save my brother from thrashings, the above-mentioned individuals threatened to kill us as well if we intervened."

6. Admittedly, as not disputed by the learned State counsel as well as counsel for the complainant, the allegations levelled against the petitioner are no different from the ones levelled against the co-accused, who have since been acquitted by the trial court vide judgment dated 07.02.2018 (Annexure P-6). There is no likelihood of the trial concluding in the near future as charges are likely to be framed only on 17.05.2024 coupled with the fact that as many as 17 witnesses have been cited by the prosecution.

7. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has clean antecedents, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. 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.

10.04.2024
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(MANJARI NEHRU KAUL)
JUDGE

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