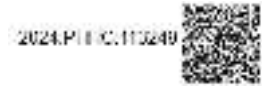


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CRM-M-1955-2024 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-1955-2024 (O&M)
Date of decision: 31.08.2024

MOHAMMAD JAWED AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Abhijat Gaur, Advocate
for the petitioners.

Mr. Surender Singh, AAG, Haryana.

Mr. Pardeep Sehrawat, Advocate
for the complainant.

.....

SANJIV BERRY, J. (ORAL)

CRM-17874-2024

Keeping in view the averments made in the application, the documents are taken on record as Annexures P-8 and P-9 subject to all just exceptions. Exemption is granted as prayed for.

2. Disposed of.
3. Registry to tag the same at appropriate place.

CRM-26187-2024

Keeping in view the averments made in the application, the document is taken on record as Annexure P-10 subject to all just exceptions. Exemption is granted as prayed for.

2. Disposed of.
3. Registry to tag the same at appropriate place.

**Main Case**

Learned counsel for the petitioners inter alia contends that the petitioners are innocent and have been falsely implicated in this case. He contends that the name of the petitioners did not figure in the FIR but have been nominated on the basis of statement made by accused Kamini Pandey. He contends that the petitioner No.1 Mohammad Jawed is in custody since 05.07.2023 while petitioner No.2 Naveen Kumar is in custody since 03.07.2023. He has further contended that the challan in this case has already been presented in the Court and the disposal of the case will take sufficient long time. He contends that the accused who had disclosed the names of the petitioners has since been granted concession of bail vide Annexure P-9 dated 08.04.2024 in case *CRM-M-49569-2023*. He has further contended that even the complainant of the case has not supported the version of the prosecution against the petitioners and has referred to Annexure P-10 in this regard and hence prays for grant of bail.

2. Per contra, learned State counsel while referring to the reply submitted by the State has opposed the bail application by submitting that the petitioners along with co-accused have cheated the complainant and do not deserve the concession of bail, however, he could not deny the fact that the complainant while appearing in the witness box as per Annexure P-10 has not lent any support to the case of the prosecution against the petitioners.

3. After considering the rival contentions and perusing the record, it transpires that the present petitioners were not named in the FIR by the complainant and their names surfaced only on the disclosure statement of accused Kamini Pandey. Said accused Kamini Pandey has since been granted



concession of bail vide Annexure P-9 (*supra*). The challan has already been presented in Court and during course of trial the complainant of the case while appearing in the witness box has not attributed anything to the petitioners and has given clean chit to them vide Annexure P-10. The petitioners are not having any criminal antecedents. The prosecution has cited 17 witnesses and the conclusion of trial and criminal liability of the petitioners in the present case triable by the Court of Magistrate would take sufficient long time.

4. Keeping in view all these circumstances and the fact that no purpose would be served by detaining the petitioners in custody any longer as the conclusion of trial to ascertain the criminal liability, if any, of the petitioners, will take sufficient long time.

5. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioners are ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

31.08.2024
puneet

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |