

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

**Neutral Citation No. 2024:PHHC:051125
CRM-M-8883-2024 (O&M)
Date of Decision: April 16, 2024**

Osama @ Ausama

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Talim Hussain, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.266 dated 04.08.2023, under Sections 148, 149, 395, 427, 435, 412, 455 and 120-B of IPC, registered at Police Station City Nuh, District Nuh.

2. As per prosecution allegations, on 31.07.2023 a communal violence erupted in District Nuh. At about 04:30 p.m. complainant, the owner of a showroom of Hero motorcycle, an authorized dealer of Hero Motorcycle, running in the name of "Sunil Motors" at Delhi - Alwar Road, Nuh received information that mob had broken the lock of the gate of his godown and motorcycles have been looted by the unknown persons from the godown. On verification of the stock, complainant found that 128 motorcycles were looted from his godown. 23 motorcycles were found in nearby fields and road but in badly damaged condition. One of the co-accused, namely, Mohd. Naeem was arrested and in his disclosure statement, name of the petitioner emerged. Petitioner was arrested on 23.01.2024.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated simply on the basis of disclosure statement of co-

Neutral Citation No. 2024:PHHC:051125
CRM-M-8883-2024 (O&M)

- 2 -

accused, which is not admissible; that no recovery whatsoever has been effected from the petitioner; that he is in custody for the last more than 02 months; and that the trial may take time to conclude and so he be allowed bail. Learned counsel has also placed on record copy of the order dated 28.02.2024 passed by this Court in CRM-M-733-2024 (O&M), whereby co-accused Rafik was allowed bail by this Court.

4. Notice of motion.

5. Mr. Sumit Jain, Addl. A.G., Haryana accepts notice on behalf of the respondent-State.

6. Learned State counsel concedes the fact that no recovery has been effected from the petitioner. However, by placing on record the custody certificate of the petitioner, bail petition has been opposed on the ground that petitioner has bad criminal antecedents as he is involved in as many as 06 other cases.

7. Heard.

8. Custody certificate would reveal that petitioner is in custody for the last 02 months and 23 days. Trial is likely to take long time to conclude. No doubt, petitioner has other cases pending against him, but that in itself cannot be a ground to decline the bail, having regard to the role attributed to the petitioner in the present case as he has been nominated only on the basis of the disclosure statement of co-accused. No recovery has been effected from him.

9. Having regard to all the aforesaid facts and circumstances, but without commenting anything on the merits of the case, petitioner is

Neutral Citation No. 2024:PHHC:051125
CRM-M-8883-2024 (O&M)

- 3 -

admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

April 16, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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