

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

**Neutral Citation No. 2024:PHHC:050857
CRM-M-11832-2024
Date of Decision: April 16, 2024**

Sohil

...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 filed under Section 439 Cr.P.C., petitioner prays for his release on regular bail in case FIR No.0260 dated 01.08.2023 under Sections 148, 149, 332, 353, 186, 307, 435, (Sections 427, 120-B of the IPC added later on), besides Section 25 (Act No.54 of 1959) of the Arms Act and Section 4 of the Prevention of Damage to Public Property Act, 1984, registered at Police Station City Nuh, District Nuh, Haryana.

2. As per allegations, on 31.07.2023, Constable Ramendra Singh was posted as driver on an official vehicle allotted to Woman ERV Durga Sakti. At about 01:45 p.m. he alongwith other officials were on patrolling and crime checking duty, present at Village Malab Polytechnic College, when a crowd belonging to a particular community came at Village Malab side and at the sight of the crowd the police party proceeded towards City Nuh. As they reached near old Bus Stand, Nuh, 700-800 people reached there and surrounded the police officials. The mob started pelting stones and firing shots on their vehicles. In the said occurrence the glass of their vehicle was damaged. One stone hit right shoulder and another on the head of

Constable Ramendra Singh. It is alleged that petitioner was part of the mob. FIR was registered. The burnt vehicles were taken into possession.

3. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that he is in custody for the last more than 04 months; that co-accused Sakir, who was also alleged to be part of mob, has already been the benefit of pre-arrest bail by this Court vide order dated 16.01.2024 passed in CRM-M-59577-2023 (Annexure P-13).

4. Notice of motion.

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

6. Learned State counsel has drawn attention towards the order dated 01.03.2024 passed by learned Addl. Sessions Judge, Nuh, wherein it was noticed that petitioner has been identified through CCTV footage, in which he can be seen actively participating in pelting stones. However, learned State counsel concedes the fact that there is no specific injury attributed to the petitioner.

7. The custody certificate placed on record would reveal that petitioner is in custody for the last 04 months and 17 days. He has no other criminal case pending against him. Learned State counsel also informs that after presentation of challan, charges have been framed. It is also informed by learned State counsel that there are 51 witnesses as cited by the prosecution to be examined during trial. Thus, trial is likely to take long time to conclude.

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