

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14025-2024 (O&M)

Date of Decision: 22.03.2024

Rashid ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Tushar Gautam, Advocate, for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

FIR No.	Dated	Police Station	Section/s
386	21.07.2023	Sadar Nuh, District Nuh	420, 364-A, 386, 342, 506 IPC and 25/54/59 of the Arms Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR in question was lodged at the instance of Kirtan Patidar, wherein it is stated that he had been helping his father in running a hardware store in M.P. and that a few months back, he come across an advertisement on Facebook pertaining to sale of fencing wire. The complainant thereafter contacted the seller through telephone and confirmed a deal to purchase 16 tonnes of fencing wire. It was agreed that the complainant would first visit the factory premises of the said person. It is alleged that on 20.07.2023, the complainant, who had reached Alwar from Indore,

received a telephonic call that a car was waiting for him, which had been sent by the seller, namely, Ankit Verma to take him to the factory. The complainant and his cousin sat in the said car, but instead of taking them to the factory, they were taken to a house in a village where 3/4 young men were already waiting for them and who forced the complainant on gun point to transfer an amount of Rs.5 lakhs in different bank accounts and also snatched the mobile phone and later dropped the complainant and his cousin on highway. The complainant alleged that the said accused while conversing referred each other as Asif, Alam, Mumbrik, Ashfak, Rashid etc.

3. Learned counsel for the petitioner submitted that he has falsely been implicated in the present case and that there is no evidence worth credence to substantiate the allegation against him. It has further been submitted that the petitioner has been behind bars since the last about 8 months and has a clean record.
4. Opposing the petition, learned State counsel submitted that since the name of the petitioner specifically figures in the FIR itself and the car used in occurrence and mobile phone of co-accused were recovered from the petitioner, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 7 months & 25 days and that he is not involved in any other case. It has also been informed that till date none out of cited 27 PWs has been examined.
5. This Court has considered rival submissions.

6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars since the last more than 7 months and otherwise has a clean record, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time inasmuch as none out of cited 27 PWs has been examined till date. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.03.2024

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**(GURVINDER SINGH GILL)
JUDGE**

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