

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

211

CRM-M-14246-2024

Date of Decision : March 22, 2024

RASHID

.....Petitioner

*VERSUS*

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Sanyam Khetarpal, Advocate,  
for the petitioner.

Mr.Abhinash Jain, DAG, Haryana.

**KULDEEP TIWARI. J.(Oral)**

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.205, dated 11.05.2023, under Sections 379-B and 34 of the IPC, registered at Police Station Sadar Tauru, District Nuh.

2. The brief facts of the case as culled out from the FIR reads as under:-

"I Mohar Singh son of Raveer Singh, I am a resident village Jinamai, P.O. Gangagadh, Police Station Chhatarpur, District Bulandshahr U.P. I am driver of a vehicle bearing no. RJ 14GF 4369 belonging to TANU SHREE LOGISTIC PVT JAIPUR BEARING which is a 22- tire truck. Today I was going from Ghaziabad to Khushkhera cement company in my truck. After crossing the KMP Toll, the truck was stopped to check the air. Then a motorcycle came in front of my truck on which two boys were sitting. When I started getting down from the truck, both the boys suddenly entered the truck from the conductor's side and started to scuffle with me. They snatched my wallet from my pocket, which had Rs. 9500 and A.T.M. card, PAN card, Aadhar card, and started running away with the motorcycle, I saw from behind the number of the motorcycle which was HR96A0690, I chased and caught a boy with the motorcycle, who was wearing a half-sleeve t-shirt, who told his name as Rashid son of Shahid resident of Silko. Who told the name of the other boy as Robin son Maman resident Silko. One of the boy succeeded in taking away my money and documents, please take

legal action against them and my stolen money and other items may kindly be returned. I am waiting for my company manager. Now I have handed over my application, boy and motorcycle to you."

3. Learned counsel for the petitioner submits that the owner and the driver of the truck, who is the star witness of the prosecution, has turned hostile. Therefore, there is no likelihood of ending of the trial into petitioner's conviction.

4. He further submits that the only allegation as levelled against the present petitioner is of snatching of Rs.9,500/-, and some personal documents. He further submits that the petitioner is behind the bars since 11.05.2023.

5. Notice of motion.

6. Mr. Abhinash Jain, DAG, Haryana, accepts notice on the asking of the Court and vociferously opposed the asked for relief on the ground that the petitioner is involved in two more criminal cases.

7. He has also placed on record a custody certificate *qua* the petitioner, which is taken on record, and a perusal of the same reveals that the petitioner has suffered incarceration of 10 months and 10 days as on today, and he is stated to be involved in two more criminal case.

8. Faced with the above difficulty, learned counsel for the petitioner submits that in the other two criminal cases against the petitioner, he is on bail.

9. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

10. Be that as it may be, considering the fact that the star witness of the prosecution has turned hostile, as well as the fact that the petitioner has suffered incarceration of 10 months and 10 days as on

today, and conclusion of the trial will take a long time, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

11. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

**March 22, 2024**  
*dharamvir*

**(KULDEEP TIWARI)**  
**JUDGE**

|                            |   |        |
|----------------------------|---|--------|
| Whether speaking/reasoned. | : | Yes/No |
| Whether Reportable.        | : | Yes/No |