

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14590-2024
Decided On: 03.04.2024

TASLIM

.....PETITIONER(s)

Versus

STATE OF HARYANA

.....RESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Afzal Hussain, Advocate
for the petitioner.

Mr. Rajesh Gaur, AAG, Haryana.

MANJARI NEHRU KAUL, J.(Oral)

1. The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.616 dated 31.12.2019 under Section 420 and 379 IPC (392, 397, 34 IPC added later on) and 27 of Arms Act, 1959 registered at Police Station Sector 50, Gurugram, Haryana.
2. Learned counsel for the petitioner *inter alia* contends that the false implication of the petitioner in the case at hand is evident from the fact that while stepping into the witness box as PW1, the complainant was unable to identify the petitioner. Learned counsel for the petitioner while drawing the attention of this Court to the allegations leveled in the FIR has further submitted that the FIR in question was registered against unknown persons to the effect that on the fateful day when he was waiting for Taxi to go home after a late night party, a vehicle stopped. He took a lift in the said vehicle, however, mistakenly he left behind his jacket in the said vehicle, which contained not only his mobile handset but even

his ATM Card, Credit Card, etc., which were subsequently misused and an amount of approximately Rs.1,25,000/- was debited from his bank account. Learned counsel submits that the only material allegedly collected by the investigating agency to connect the petitioner with the crime in question was the mobile handset of the petitioner. Learned counsel has still further submitted that since the sole material witness in the case in hand i.e. the complainant stands examined, his further incarceration would serve no useful purpose as 08 prosecution witnesses are yet to be examined.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the learned counsel for the petitioner, on instructions, has not been able to dispute the submissions made by the counsel opposite with respect to the contents of the FIR in question as well as the complainant not having identified the petitioner during trial, much less being the person who had given lift to the petitioner on the fateful day, when he left behind his personal belongings in the car. Learned State counsel, however submits that the petitioner is involved in 04 other criminal cases of similar nature in which he is facing trial.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 09.06.2023; the trial is unlikely to conclude in the near future as only 05 prosecution witnesses have been examined till date, which includes the complainant; concededly the complainant failed to identify the petitioner.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

03.04.2024

Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No