

201
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24851-2024 (O&M)
Date of Decision: 02.08.2024

(I)
Moeed Sarwar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CRM-M-31289-2024 (O&M)

(II)
Javed

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Prateek Rathee, Advocate,
for the petitioner in CRM-M-24851-2024.

Mr. Rakesh Kumar Lathwal, Advocate,
for the petitioner in CRM-M-31289-2024.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

- Both the petitions are taken up together for final disposal with the consent of learned counsels for the parties since both the petitions arise out of the same FIR and the prayer in both the cases is for the grant of regular bail.
- Both the petitions have been filed under Section 439 of the

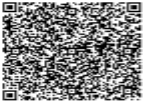
Code of Criminal Procedure for the grant of regular bail to the petitioners in



FIR No. 318 dated 19.07.2020, under Sections 302 and 34 IPC (Section 460 IPC added later on) and Section 25, 54, 59 of Arms Act, registered at Police Station Kharkhoda, District Sonapat, Haryana.

3. Both the learned counsels for the petitioners have submitted that both the petitioners are in custody for 3 years, 11 months and 8 days and as per the FIR, it was a blind murder of a security guard and it was only thereafter that the names of the petitioners were nominated and since no role is attributable to both the petitioners in the FIR itself, they are entitled for the grant of regular bail.

4. On the other hand, Mr. Gaurav Jindal, learned Additional Advocate General, Haryana has vehemently opposed the grant of regular bail to both the petitioners. He submitted that it is a case where the complainant and his father were deployed as security guard in an under construction Podar Tyre Manufacturing Company and the father of the complainant works at night, whereas the complainant works during the day time and as per the FIR, when the complainant reached the site in the morning at 8.00 a.m., then he saw that his father was lying dead near the transformer located at gate and there was a wound on his neck and blood was oozing out. As per the FIR, some unknown persons had come to steal the transformer and had shot at the neck of his father who died. He further submitted that during investigation it was found that both the petitioners were involved in the present case and also submitted that both the petitioners are involved in as many as 14 more cases which have been so depicted and reproduced in the status report filed by the State. He also submitted that both the petitioners work in unison and in many of the FIRs both are



transformers. He while referring to the status report filed by the State submitted that 10 out of 31 cited witnesses have been examined and there is a strong apprehension that in case the petitioners are released on bail, then they may not only abscond from justice but may also tamper the evidence and influence the witnesses keeping in view their antecedents.

5. I have heard the learned counsel for the parties.

6. Although the custody of both the petitioners is stated to be 3 years, 11 months and 8 days but as per the State counsel, 10 witnesses out of 31 cited witnesses have already been examined. This Court would not go into the merits with regard to the allegations levelled against the petitioners but considering the status report filed by the State and the arguments raised by the learned State counsel, considering the gravity of the offence in the present case and criminal antecedents of both the petitioners, this Court is of the considered view that it is not a fit case for grant of bail to the petitioners. Apart from the above, a strong apprehension has also been expressed by the learned State counsel on the basis of the status report filed by the State that in case the petitioners are released on bail, then they may not only abscond from justice but may also tamper the evidence and influence the witnesses.

7. Consequently, both the petitions are dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petitions only.

02.08.2024

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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