



CRM-M-26977-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221)

CRM-M-26977-2024
Date of Decision : 30.09.2024

Mehroof Hassan ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ashish Grewal, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. AG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Section 439 of Cr.P.C., a prayer is made for grant of relief of regular bail to the petitioner, in case FIR No.586, dated 14.09.2020 (Annexure P-1), under Sections 379-B, 307, 201 and 34 of the IPC, 1860, registered at Police Station Yamuna Nagar City, District Yamuna Nagar.

2. The instant FIR was registered on an information received on 09.09.2020, regarding an unknown person lying in an unconscious condition near Fire Brigade Office, Yamuna Nagar at Khajuri Road. The police, upon reaching the place of occurrence, shifted the injured Ved Parkash, to the Civil Hospital, Yamuna Nagar. Thereafter, on dated 14.09.2020, the injured was referred to PGIMER, Chandigarh. The statement of Priyanaka Pal (present complainant), the daughter of the injured, was also recorded on dated 06.09.2020, in which she alleged that, on dated 14.09.2020, at about 7.30

p.m., her father had gone to Yamuna Nagar for unloading the wood loaded in

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his truck and on 07.09.2020, at about 8.43 a.m., she received a telephonic call of her father that he had unloaded the vehicle and had received the fare. On dated 08.09.2020, at about 8.00 a.m., she tried to contact her father number of times on mobile phone, but his mobile phone was switched off. Later on, she and her family received an information regarding his father lying in an unconscious condition, near Fire Brigade Office, Yamuna Nagar. She further alleged that some unknown persons had inflicted injuries to her father, snatched cash amount, mobile and ATM card, and, fled from the place of occurrence.

3. On asking for the relief (supra), learned counsel for the petitioner submits that the petitioner has suffered incarceration of about 08 and half months. He further submits that the petitioner's co-accused Furkan, has already been granted the relief of regular bail by a co-ordinate Bench of this Court, vide order dated 31.08.2021 (Annexure P-2). He further submits that the trial of the petitioner's co-accused Furkan has already been concluded, and, he has been convicted only for the offence punishable under Section 411 of the IPC, whereas, he has been acquitted of all other charges, as framed against him.

4. Learned counsel next submits that the complainant was examined by the prosecution as PW-9, however, she turned hostile, and did not support the case of the prosecution. Finally, he submits that the injured Ved Parkash, who was also examined in the trial of the petitioner's co-accused Furkan, also turned hostile and did not support the case of the prosecution.

5. On the other hand, learned State counsel, has opposed the prayer made by the learned counsel for the petitioner for grant of relief of regular



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bail to the present petitioner and submits that the petitioner is a habitual offender and six more cases are pending against him, apart from the instant case. He further submits that the petitioner was involved in one other case as well, however, in that case, he has earned acquittal.

6. Learned State counsel has also placed on record the custody certificate dated 28.09.2024, qua the petitioner, today in the Court. The same is ordered to be taken on record. The custody certificate reflects that the petitioner has suffered incarceration of 08 months and 17 days, upto 28.09.2024.

7. This Court has heard the rival submission of the parties concerned and is of the view that the instant petition is amenable to be allowed for the reasons extracted hereinafter :-

(i) that the petitioner's co-accused Furkan has already been granted the relief of regular bail by co-ordinate Bench of this Court, vide order dated 31.08.2021 (Annexure P-2);

(ii) that the petitioner has already suffered incarceration of approximately 08 and half month;

(iii) that only 09 witnesses, out of total 20 prosecution witnesses, have been examined so far and 11 prosecution witnesses are yet to be examined;

(iv) that conclusion of the trial would take long time, therefore, no useful purpose will be served by keeping the petitioner behind the bars.

8. Keeping in view the facts and circumstances of the case, further incarceration of the petitioner is not warranted at all, at this stage. Therefore,

this Court, deems it fit and appropriate to enlarge the petitioner on regular bail. Accordingly, the instant petition is **allowed**.

9. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.

10. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

September 30, 2024
Manpreet

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