

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-33352-2023
Date of decision: 26.04.2024

Wasim AkramPetitioner

versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Saurabh Mohunta, D.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. Additional Status report by way of an affidavit of Vishnu Parshad, HPS, Assistant Commissioner of Police, NIT Faridabad, on behalf of respondent-State and custody certificate dated 25.04.2024, have been filed by learned State counsel in the Court, which are taken on record.
2. The petitioner has filed the instant petition under Section 439 of Cr.P.C. seeking regular bail in case FIR No.678 dated 30.09.2018 registered under Sections 380 and 457 of IPC (Sections 380 and 457 of IPC were deleted and Sections 395, 397, 201 and 120-B of IPC and 25 of the Arms Act were added lateron) at Police Station Saran, District Faridabad.
3. The abovesaid FIR was registered on a complaint made by complainant-Sumrat Singh, Manager, HDFC Bank alleging that one ATM booth of HDFC Bank was in existence at Chacha Chowk, Parvatia Colony, Faridabad. During the intervening night of

CRM-M-33352-2023

2

29/30.09.2018 approximately an amount of Rs.12,50,000/- was lying in the said ATM. In the night, a telephonic information was received by the police that some persons damaged the glass of the door of ATM booth cabin. Thereafter, the police reached the spot at about 3:30 a.m. and found that the ATM removed from its installed place. The glass of the cabin was found broken.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The petitioner was not apprehended on the spot and nothing has been recovered from him. The petitioner has been implicated in the present case only on the basis of disclosure statement made by co-accused Tarif Mohd. Moreover, similarly situated co-accused Sanju @ Saikul has already been granted regular bail by this Court and co-accused, Sahun @ Aakil, Rashid, Tarif s/o Maksood, Junaid, Dilawar, Iqbal @ Ballu and Tarif s/o Budhu have already been granted regular bail by the learned Additional Sessions Judge, Faridabad. He submits that the petitioner is not involved in any other case. He submits that the petitioner is in custody since 18.09.2022. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and the case is now fixed before the trial Court for prosecution evidence. Out of total 25 witnesses, only 03 have been examined so far. He further submits that trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

5. Per contra, learned State counsel, while referring to the

CRM-M-33352-2023

3

averments made in the status report/reply, has vehemently opposed the prayer for grant of regular bail to the petitioner. He submits that the petitioner was declared proclaimed offender in the present case on 25.02.2021 and a separate FIR No.158 dated 27.04.2021 under Section 174-A of IPC at Police Station Saran, District Faridabad was registered against him and in the said case the petitioner has been sentenced to undergo simple imprisonment for the period already undergone by him in custody during investigation and trial of the case. He, however, submits that petitioner is in custody for the last 01 year and 07 months; investigation in the present case is complete; challan has been presented; charges have been framed; out of total 25 witnesses, 03 have been examined so far and the case is now fixed before the trial Court for prosecution evidence on 03.05.2024.

6. I have heard learned counsel for the parties and perused the record.

7. Keeping in view the custody of the petitioner, which is 01 year and 07 months; the facts that the investigation in the present case is complete; challan has been presented; charges have been framed; out of total 25 witnesses only 03 have been examined so far; 10 co-accused out of total 12 accused including Sanju @ Saikul, Rashid, Tarif s/o Maksood, Junaid, Dilawar, Iqbal @ Ballu, Sahun @ Aakil and Tarif s/o Budhu have already been granted concession of regular bail and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the

CRM-M-33352-2023

4

satisfaction of Illaqa Magistrate/Trial Court.

8

The petition stands disposed of accordingly.

26.04.2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No