

**210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Neutral Citation No. 2024:PHHC:058961
CRM-M-36450-2023 (O&M)
Date of Decision: April 30, 2024**

Ashif ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sarfraj Anjum Mor, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

CRM-16924-2024

This is an application moved by the petitioner to place on record copies of the orders passed by the Trial Court as Annexures P-13 and P-14.

Allowed.

Annexures P-13 and P-14 are taken on record.

Main Case

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.349 dated 16.09.2019, under Sections 342, 379-A, 365, 395, 412 and 34 of IPC, registered at Police Station Dadri Sadar, District Charkhidadri.

2. This is the 4th petition for the purpose. The 1st petition bearing No.CRM-M-36586-2020 was dismissed as withdrawn on 22.12.2020 (Annexure P-8). The 2nd petitioner bearing No.CRM-M-17762-2021(O&M) was dismissed on merits vide order dated 19.01.2022 (Annexure P-9). The 3rd petition bearing No.CRM-M-27986-2022 (O&M) was disposed of on

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09.12.2022 (Annexure P-10) with a direction to the Trial Court concerned to make endeavour to conclude the trial at the earliest.

3. Learned counsel for the petitioner submits that complainant of the case, namely Kasam has not supported the prosecution version and now the custody period of the petitioner is more than 03 years and 11 months and the trial is nowhere to conclude.

4. As per the allegations on 16.09.2019, Kasam was a driver of Truck bearing registration No.HR-84-7181 of MTC Transport Company; that at 11.30 p.m., after loading crusher from Pandwan Stone Crusher, he started his journey for Dhankot (Gurgaon). At about 1.00 a.m., he stopped the vehicle as the tyre was punctured. It is alleged that several persons came there and they tied him and took away his vehicle. Later on, he was dropped at Rewari-Jhajjar road.

5. As per the status report, petitioner was apprehended during investigation and was put to trial alongwith co-accused.

6. Learned counsel for the petitioner contends that the name of the petitioner surfaced in the disclosure statement of Afseel after 08 months of the registration of the FIR.

7. Besides, perusal of the statement of complainant – Kasam as placed on record would reveal that though he proved the occurrence, but failed to identity of the culprits.

8. Apart from above, the custody certificate would reveal that petitioner is in custody for the last 03 years, 11 months and 07 days in this case. Although, it is also revealed that petitioner is undertrial in two more

cases and is a convict in one more case, but the Court cannot ignore the long incarceration of the petitioner in the present case. Learned State counsel also informs that out of 17 witnesses cited by the prosecution, only 10 have been examined so far. Thus, trial is likely to take long time to conclude. The material witness, i.e. Kasam has already been examined.

9. Having regard to all the aforesaid facts and circumstances, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

April 30, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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