



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

315

CRM-M-49258-2024

Date of Decision: 15.10.2024

**NOMAN ALIAS NAMMA ALIAS
INAMUL HASAN AND ANOTHER**

.....Petitioner(s)

Vs.

STATE OF HARYANA

.....Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Gautam Dutt, Advocate with
Mr. Rishav Singla, Advocate
for the petitioners.

Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioners have filed the instant petition under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 with a prayer to grant a regular bail in case FIR No.0063 dated 08.02.2014 registered under Section(s) 328, 394, 395, 412 IPC and Section 25-54-59 of Arms Act, 1959 at Police Station Dharuhera, District Rewari.
2. Learned counsel for the petitioners contends that the petitioners have not been named in the FIR nor there is any averment which connects with the commission of crime in any manner. He further contends that during the course of investigation, Sabeer son of Majid co-accused was arrested by the police on 31.05.2014 and Sabeer suffered a disclosure statement admitting his involvement in the crime and also named the petitioner as one of the co-accused. On



the basis of the statements suffered by Sabeer, the petitioner was also falsely involved in the present case. He further contends that the petitioner was arrested in the present case on 19.05.2024 and is in custody since then. Sabeer, co-accused was tried by the Court of Additional Sessions Judge, Rewari and vide the judgment dated 16.07.2016 (Annexure P-2), Sabeer was ordered to be acquitted by the trial Court. The case of the petitioner is on a better footing and he deserves to be enlarged on regular bail.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that one more criminal case has been registered against the present petitioner and the petitioner does not deserve the concession of regular bail.

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

5. In the present case, the petitioner is nominated as an accused only on the basis of the disclosure statement suffered by Sabeer, co-accused, who has already been acquitted by the trial Court. Even the petitioners are in custody for the last about 05 months and the material witnesses have already been examined by the prosecution. There are no chances of tampering with the prosecution evidence at this stage.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioners are



ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to following conditions:-

(i) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioners shall surrender their passport, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.

(v) The petitioners shall also file their affidavit before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioners are involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioners.



(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.

15.10.2024

(N.S.SHEKHAWAT)

M.Sikka

JUDGE

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