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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60069-2023(O&M)

Date of Decision: 07.03.2024

Nahim Alvi @ Musharrf

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Prateek Rathee, Advocate, for the petitioner.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.15 dated 01.02.2022, under Section 302 IPC (Sections 201 & 120-B added later on) registered at Police Station Sushant Lok, District Gurugram, Haryana.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 03.02.2022 which is more than 2 years and 1 month. He submitted that the petitioner is not involved in any other case and has got clean antecedents and as per allegations a dead body of deceased was found in the bushes and it was a case of a blind murder and it was only based upon circumstantial evidence that the petitioner was nominated in the present case. He also submitted that even otherwise also 6 prosecution witnesses including the complainant have already been examined and the

entire case is based upon suspicion and the petitioner has already faced incarceration for more than two years, he may be considered for the grant of regular bail.

4. On the other hand, Mr. Gaurav Jindal, learned Additional Advocate General, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the petitioner is not involved in any other case and he has also filed custody certificate which is taken on record. He has however submitted that the petitioner was the prime accused in the present case because of the allegation of illicit relationship of the petitioner with the wife of one Ibrahim who is the brother of the deceased. He submitted that now 6 witnesses have been examined, the petitioner does not deserve the concession of regular bail.

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

6. The custody of the petitioner is stated to be more than 2 years and 1 month and he is not involved in any other case, as per the custody certificate and as per learned counsel for the parties. The allegations in the present case are based upon suspicion and it was a case where a dead body of the deceased was found in bushes. It is not the case of the learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or may tamper with evidence especially in view of the fact that the complainant has already been examined.

7. Therefore, considering the totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. 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 petition only.

07.03.2024

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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