

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

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2024:PHHC:009064
CRM-M-65138-2023
Date of decision: January 23, 2024

AABID ALI
...Petitioner

Versus

STATE OF HARYANA
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jamshed Ahmed, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.322 dated 26.08.2023 under Sections 392, 397, 34 of the Indian Penal Code, 1860 and Section 25(1) of Arms Act and Section 395, 412 of the IPC (added later on), registered at Police Station Bilaspur, District Gurugram.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand and that too on the basis of a disclosure statement, allegedly suffered by co-accused Aurangzeb. While drawing the attention of this Court to the allegations levelled in the FIR, it has been submitted that neither was the petitioner named therein nor any mention was made about the physical attributes of the persons who had committed theft of diesel from the truck of the complainant. It has been further submitted that the investigation in the case at hand is complete as not only does the challan stand presented but even charges have been framed.
3. *Per contra*, learned State counsel, on instructions from P/SI Harkesh, has not disputed the submissions made by the petitioner *qua* he not having been named in the FIR or any description having been given of the alleged assailants, who had committed theft of diesel from the truck of the complainant. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he, on instructions, has replied in

negative. However, he has submitted that the petitioner along with the co-accused including Aurangzeb had committed theft of diesel at gunpoint from the vehicle of the complainant. On a further query put to the learned State counsel as to whether any Test Identification Parade of the assailants or the petitioner had been carried out, he, on instructions, has replied in negative.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. The petitioner has been in custody since 03.09.2023. There is no likelihood of the trial concluding in near future as prosecution evidence has not yet commenced and is likely to commence only on 07.02.2024, coupled with the fact that as many as 22 prosecution witnesses have been cited. The petitioner is also not stated to be involved in any other criminal case, much less a case of similar nature.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. The petition as such is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 23, 2024

Jaspreet Kaur

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No