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

**CRM-M No.4314 of 2025
Date of decision : 21.05.2025**

Wasim Khan**.....Petitioner**

versus

State of Haryana**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. S. K. Tripathi, Advocate and
Mr. Mittardeep Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.0013, dated 10.01.2012, under Sections 186, 307, 353, 379, 411 & 201 of IPC and Sections 25/54/59 of Arms Act, registered at Police Station Sadar Nuh, District Nuh.

2. Succinctly the facts of the case are that the police party while on patrolling on 10.01.2012, received a secret information to the effect that Javed, Saavir, Shikat, Arshad and Chhotu @ Wasim (petitioner) were involved in stealing tyres and selling the same. It was informed that in case of barricading, they could be arrested along with stolen tyres. The police party laid the barricading. The Max vehicle was seen coming and it was signalled to stop but driver of the vehicle accelerated and tried to escape,



however the same was chased by the police party. Out of the inmates of the vehicle, Amin fired with his country made pistol upon the police party. Sabir and Shaukat also fired with their country made pistols. While the vehicle being chased, it lost control and got stuck in the mud. All the inmates of the vehicle escaped by throwing bricks and stones on the police party. Max vehicle bearing HR-38H-1549 was abandoned by them and on checking the same, 4 tyres with rims were recovered from the same. Thus the FIR was registered and the investigation commenced. During the investigation, co-accused were arrested but the petitioner evaded his arrest and hence he was declared proclaimed offender vide order dated 05.12.2013. Thereafter the petitioner was arrested in another case and thus his custody was taken in the present case on production warrant on 20.09.2024 and since then, he is behind bars. The petitioner approached the Court of learned Additional Sessions Judge, Nuh praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Additional Sessions Judge, Nuh declined the petition filed by the petitioner vide order dated 16.12.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the case of prosecution evidently is based on the secret information, however without there being any material against the petitioner, he has been implicated in the present case. He has submitted that the trial qua 03 of the co-accused is already over and they have been



acquitted by the learned trial Court. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 20.09.2024 and the investigation is already complete. He has submitted that the petitioner is involved in 02 other cases, however he is on bail in both the cases. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that the petitioner was specifically named in the secret information. He has submitted that the co-accused and the petitioner tried to escape and fired at the police party as well. He has submitted that co-accused later on were arrested, however the petitioner was declared as proclaimed offender. He has produced custody certificate of the petitioner today in the Court and the same is taken on record. He has submitted that the petitioner is involved in 02 other cases, however he is on bail in both the cases.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that FIR was registered on the basis of secret information.

7. Learned counsel for the petitioner has also argued that the petitioner was juvenile on the date of occurrence. However this Court vide order dated 08.05.2025 directed the Juvenile Justice Board, Nuh to examine the age of petitioner and submit the report that whether the petitioner was juvenile on 10.01.2012. Report from the Juvenile Justice



Board, Nuh dated 20.05.2025 is received and as per the report, it has been found that the petitioner was more than 18 years of age on the date of occurrence and thus he was not juvenile.

8. However 03 of the co-accused have already been acquitted by the learned trial Court. After the arrest of petitioner in the present case, the challan has been presented, however the charges are yet to be framed. Custody certificate produced would show that the petitioner is behind bars from last about 08 months. It further reflects that the petitioner is involved in 02 more cases, however he is on bail in both the cases.

9. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

10. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

21.05.2025

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Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No

(RAJESH BHARDWAJ)
JUDGE