



CRM-M-14863-2024

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

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CRM-M-14863-2024

Date of decision: 9th January, 2025

Naseeb @ Naseem

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nafees Ahmad Khan, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 417 dated 12.10.2013 registered under Sections 279, 307, 336 read with Section 34 of IPC, 1860 at Police Station Khedki Daula, District Gurugram.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by complainant Veer Singh alleging therein that on 12.10.2013, he, along with two other natives of his village namely Kuldeep and Bir Singh, was standing at the turn of his village at about 8:40 PM, when a Tata vehicle bearing registration No. RJ-14GD-9690 reached there while being driven at a high speed. As a child was crossing the road,



the complainant gave a signal to the driver to stop the vehicle but he did not stop the same and rather hit the complainant and his companions with an intention to run over them. The complainant and his companions somehow managed to save themselves. Some youths who were sitting on the back side of the vehicle started pelting stones on the complainant. They were constrained to stop the vehicle after some distance. Three of them managed to flee. The driver disclosed his name as Sajid and disclosed the names of the present petitioner and co-accused. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested and subsequently, released on bail. He subsequently absented himself. His bail was cancelled and bonds were forfeited vide order dated 22.03.2018. He was declared a proclaimed offender vide order dated 20.08.2022. He was arrested again on 02.12.2023 and is in custody since then.

3. The present petition has been filed by the petitioner on the ground and it is argued by his counsel that he is in custody since long. His previous absence was not intentional. Neither the complainant nor eye witness Bir Singh has implicated him in commission of subject offences. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate, General, Haryana, that the petitioner was declared a proclaimed person. There are chances of his absconding again, if extended benefit of bail. Therefore, it is urged that he does not deserve to be extended benefit of bail.



5. Vide order dated 08.11.2022, direction was given to the learned trial Court to make endeavor to record statements of the complainant and eye-witness and send the same, if recorded. Learned trial Magistrate sent the copies of statement of complainant Veer Singh and eye-witness Bir Singh along with his report and a perusal of the report reveals that neither of them have deposed anything as against the present petitioner. Both of them have turned hostile and have not implicated the petitioner in commission of the subject offences. The petitioner is in custody since 02.12.2023 i.e. for a period of one year, one month and six days. Keeping in view the nature of the statements of the material witnesses recorded before the learned trial Court, the period of incarceration of the petitioner and the fact that trial is likely to take time, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds by two sureties to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned. Apart from this, the petitioner shall appear before the concerned Police Station once on the first Monday of every month. He shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number(s) takes place, then he shall inform about the same to the learned trial Court in advance.

7. In case of violation of any of the above conditions, the



jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

9th January, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |