

2025:PHHC:060419



213.

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

**CRM-M-31869-2024**

Date of decision: 07.05.2025

Kasam

.... Petitioner

Versus

State of Haryana

.... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

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

Mr. Rajat Gautam, Addl. A.G., Haryana.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.0002, 03.01.2020, under Sections 380, 458 of IPC and Section 25, 54, 59 of Arms Act, registered at Police Station Sadar, Rewari, District Rewari.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 11.01.2024 in a case of false implication; he came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused, Azhruddin, who had since been extended the concession of bail by the learned Trial Court. It has also been submitted that one of the co-accused, who too was nominated in the disclosure statement, had since been extended the concession of bail by a Coordinate Bench of this Court vide Annexure P-2 on 29.04.2024. Learned counsel

further submits that after the petitioner was arrested, no recovery of any stolen articles or even firearms was effected from him, which lend credence to his innocence in the present case.

3. It has been submitted that after the charges were framed on 13.12.2024, only 02 prosecution witnesses out of 20 cited have been examined; both the material witnesses, Hanuman and Parmanand, even before they could be examined, had died an unnatural death. Learned counsel submits that in the aforementioned facts and circumstances as the case is being adjourned time and again to await the appearance of other remaining witnesses, further incarceration of the petitioner would serve no useful purpose as there is no possibility of the trial concluding in the near future. A prayer has, therefore, been made for extending the concession of bail to the petitioner.

4. *Per contra*, learned State counsel has placed on record custody certificate dated 05.05.2025 of the petitioner in Court today, which is taken on record. Learned State counsel, on instructions, has not disputed the custody period of the petitioner nor has he, on instructions, disputed the stage of trial; it has also not been disputed that both the material witnesses, Hanuman and Parmanand, have since expired even before getting their evidence recorded. However, learned State counsel has reiterated the allegations levelled in the FIR (Annexure P-1), which stands reproduced hereinunder:-

“12. To SHO, Sadar Rewari. Sir, it is stated that I Hanuman Singh son of Fateh Singh is the resident of Sehlang, Police Station Kanina District Mahendragarh and I am working as

salesman at liquor vend of Amar Singh contractor at Bhiaripur since 7-8 months and Parmanand son of Shri Ji Sukh R/o Nainsukhpura Police Station Jatusana District Rewari is also working as Salesman with me. Today on 03.01.2020 at about 1.00 AM in the night, 4-5 person came at the liquor vend and open the shutter and I woke up by hearing the noise and stand up and I asked what is the matter then one of them, having pistol in his hand and threatened to keep quite otherwise shoot and due to fear, I entered into the room and went near my friend Parmanand and woke up him. In the meanwhile, 3-4 persons came by breaking the lock of the door entered in and they tied our hand and put quilt upon us, and said to be in quilt otherwise they would be killed and they covered their face with clothes and they have snatched and taken away 150 cartons of liquor and about Rs.5,000/- cash from cash counter and one CCTV system, inverter battery and my mobile phone having sim number 9050617488 Vodaphone and taken away the material by loading in a vehicle. Strict legal action may kindly be taken against these unknown persons and our material be got recovered. It will be your thankful sir. SD/- Hanuman dated 03.01.2020 Hanuman Singh, son of Fateh Singh resident of Sehlang, Police Station Kanina District Mahendragarh 9050617488.”

In addition, it has been submitted that a perusal of the custody certificate reveals that the petitioner is involved in number of criminal cases identical to the present one.

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

6. The petitioner has been in custody since 11.01.2024 in the present case. After the charges were framed on 13.12.2024, the case is being adjourned repeatedly and till date, only 02 prosecution witnesses out of 20 cited have been examined. Therefore, there is no possibility of the trial concluding in the near future.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.
8. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, the Trial Court may impose any stringent condition as it deems fit to ensure the presence of the petitioner during trial.
9. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
10. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**May 07, 2025**  
sanjeev

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