

2025.PHHC.001877



233.

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

CRM-M-50740-2024 (O&M)

Date of decision: 09.01.2025

Rashid

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anand, Advocate, for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.411, dated 03.12.2022, under Sections 365, 395, 397, 201, 412, 420, 120-B of IPC, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Kasola, District Rewari.

Learned counsel for the petitioner has contended that the petitioner's false implication in the present case is evident from the fact that while stepping into the witness-box as PW1, the complainant had failed to identify the petitioner as being one of the 04 persons, who after putting the complainant under fear of death had driven away in his vehicle and thereafter, abandoned him at a secluded place. Learned counsel submits that

in the circumstances, more so when the sole material witness i.e. the complainant already stands examined and has not attributed any role to the petitioner in the alleged crime, he deserves to be admitted to bail as there can be no likelihood of the petitioner tampering with evidence or intimidating/influencing the witnesses. It has been further contended that 27 prosecution witnesses still remain to be examined and the next date fixed before the trial Court is 23.01.2025.

Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled in the FIR in question, annexed as Annexure P-1, which stands reproduced hereinunder:-

“To, SHO Sahab, Kasola Police Station, Sir, I, Arvind Singh, son of Nathuram Singh, a resident of village Basantpur, Police Station Gauri Bazar, District Deoria, U.P., and currently residing at Pataudi Road, Rewari, work as a driver for SIPL company and drive a Highwa (heavy vehicle) for this company. The company's plot is near Bambad Fatehpuri. On the date 03.12.2022, I was driving the Highwa with registration number HR 55 AL 0578, a Tata model with ten tires, carrying damber, and was headed toward Pataudi. At around 1:30 AM, when I reached the intersection, about 3 km from the plot at the border of Bambad Fatehpuri, a white-colored vehicle (the make and model I do not know, nor could I see its number) blocked the way by stopping in front of my Highwa. Four men got out of the car, carrying three country-made pistols and a stick, and they boarded my Highwa. They forcibly removed me from my vehicle, blindfolded me, and put me into their car. One of the men got into my Highwa and drove off with it. They drove me around for about an hour on Ramgarh Road and then abandoned me there. They also took my mobile phone, an MI brand with SIM number 9792328282. I request legal action be taken against the unknown persons involved in this incident.

I informed the company supervisor about the incident by stopping another company vehicle.”

Learned State counsel has submitted that although the petitioner had not been named in the FIR in question, however, he was one of the 04 men, who after threatening the complainant had made him board his truck, had blindfolded him and thereafter, driven away with his truck. However, on instructions, learned State counsel has not disputed that the complainant during his deposition before the trial Court had not identified the petitioner as being one of the 04 assailants, who had participated in the occurrence in question. The custody period of the petitioner, who has been in jail since 05.11.2023, has not been disputed by the learned State counsel. It has also not disputed by the learned State counsel that the complainant in the present case is the sole material witness and he already stands examined.

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

The petitioner has been in custody since 05.11.2023. The case of the prosecution was set in motion at the instance of the complainant, who has already been examined and as already observed earlier, did not identify the petitioner as being one of the 04 persons, who had participated in the crime in question. The likelihood of the trial concluding in the near future seems remote as only 05 prosecution witnesses out of 32 cited have been examined till date.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

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

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

January 09, 2025
sanjeev

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