



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

110

CRM-M-57457-2024
Decided on : 22.01.2025

Mohammad Asif

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vikas Gulia, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana
assisted by SI Mahender.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner – Mohammad Asif, who has been booked for having committed the offence punishable under Sections 395, 397 of IPC, 1860 (Sections 365, 413, 120-B, 419 of IPC, 1860 and Section 25 of the Arms Act, 1959, added later on), in FIR No. 771, dated 19.10.2023, registered at Police Station Kundli, District Sonapat, , during the pendency of trial.

2. As per the allegations levelled in the FIR, vehicle i.e. Canter bearing registration No.DL-1-LAF-6088, was loaded with four tons jeans clothes, which were to be transported in Sheelpur, Delhi. Said vehicle was being driven by the complainant – Kedarnath Yadav. When it reached near RTO Office at Singhu Border, a white colour Van (Eco Van) boarded by total six accused, came and blocked the way. Thereupon, all the six occupants



came out of the said vehicle (Eco Van) and started beating the complainant. Thereafter, at pistol point, vehicle and the complainant were taken at some distance and the complainant was thrown under the bridge near Chhaysa Toll, Faridabad at about 07:00 A.M.. During investigation recoveries were effected from the accused and after completion of investigation, final report u/s 173 Cr.P.C. was submitted on 04th January, 2024.

3. Counsel submits that all the other five accused i.e. (i) Khalik, (ii) Rehan, (iii) Naieem, (iv) Azad, and (v) Salman, have been granted regular bail by the trial Court. Main recoveries have been effected from the said accused. Counsel while referring the bail orders of the co-accused persons, who have already been released on bail, submits that the role of the petitioner cannot be differentiated from the co-accused, who have already been enlarged on bail.

He further submits that only recovery effected from the petitioner is an amount of Rs.3,000/-, besides this, no stolen/looted articles/clothes were recovered from his possession. Thus, claiming party, prays for granting of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel opposes the prayer and submissions made by learned counsel for the petitioner, and submits that petitioner is involved in a serious crime and he is a member of gang, who is involved in looting the people at gunpoint.

However, learned State counsel does not dispute the fact that other five co-accused have been released on bail by the trial Court. Besides, he informs that charges were framed on 09.10.2024, and there are total 17 prosecution witnesses and out of them, none has been examined so far.



5. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds reasonable substance in the submissions addressed by learned counsel for the petitioner.

6. Obviously, the process of trial i.e. recording of evidence and conclusion of trial would take considerable time and the question of liberty of the petitioner cannot be put in abeyance for indefinite period.

7. Besides, this Court is amazed by the status of the proceedings before the trial Court, as till date, no prosecution witness has been examined. Even the arrest of the petitioner was effected about a year after the registration of the FIR. The complexity of the petitioner's involvement would be a debatable question, which is to be determined only after the prosecution lead its complete evidence, which, of course, is yet to begin in this case.

8. In view of totality of circumstances, facts/allegations levelled against the petitioner, and the factors noticed here-in-above, I deem it appropriate to grant the concession of bail to the petitioner.

9. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.



11. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 22, 2025
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No