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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-61728-2024(O&M)
Date of decision:-02.04.2025

MOHD. ILYAS BHAI SHEIKH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Aazam Khan, Advocate and
Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

CRM-7484-2025

1. The instant application under Section 528 of BNSS, is for preponing the case from the date fixed i.e. 02.04.2025 to any suitable.
2. The main case is listed for today itself, therefore, the aforesaid application is rendered infructuous.
3. The application stand disposed of being rendered infructuous.

Main Case

1. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, BNSS, 2023, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
68	16.02.2023	394 IPC (411, 420, 467, 34 IPC added later on)	Sector-29, District Gurugram

2. Arguments heard.



3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is in custody since 18.08.2024 and since then no recovery has been effected from the petitioner in the case. He contends that infact the recovery of the vehicle has been effected from the Co-accused Mustaq who has already been granted concession of bail on 31.07.2023 (Annexure P-8). He contends that all the co-accused except the petitioner are on bail in the present case, after completion of investigation, challan has already been presented in Court and the conclusion of trial will take sufficient long time, hence prayed for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that petitioner has been a active member of the gang involved in the theft of vehicles and sale of the same to the prospective buyers, as such, he prayed for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it is observed that the instant FIR was registered on the allegations that the complainant was working as driver and was driving the car on 15.02.2023 alongwith his owner and after dropping his owner outside Grand Mall, he had parked the vehicle on the main road, in the meanwhile a boy came there and showed a photo of a man in his mobile asking about his whereabouts and in the meanwhile three more boys forcibly entered the car and overpowered the complainant gave beatings to him and snatched his mobile and the said persons drove the car and later dropped the complainant



at Chawla, Delhi. Accordingly FIR was registered. Admittedly petitioner was not named in the FIR and has been nominated in the disclosure statement of co-accused Mustaq who has since been granted concession of bail on 31.07.2023 (Annexure P-8). It is not disputed that that no recovery of any stolen articles has been effected from the petitioner, who is in custody since 18.08.2024. After completion of investigation, challan has already been presented in Court, wherein prosecution has cited 50 witnesses and till date none of them have been examined. In this manner, the conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner any longer in custody.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

02.04.2025

Gyan

i)
ii)

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No