



CRM-M-22257-2024

-1-

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

202

CRM-M-22257-2024

Date of Decision: 05.03.2025

Tofik

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Ms. Rosi, Advocate for the petitioner

Ms. Tanushree Gupta, DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.137 dated 01.08.2023, registered under Sections 148, 149, 379-B, 435, 427, 153-A of IPC, 1860, (Sections 201, 180, 107, 120-B, 395, 397 of IPC added later on), at Police Station Nagina, District Nuh.

2. The FIR was lodged on a complaint by Shiv Kumar Arya alleging that a crowd of Muslim community came to his oil mill, broke open the lock and looted the material lying inside. He suffered a loss of about 1.25 crore on that account. It is also alleged that being District General Secretary of political party/BJP, and on account of political rivalry, his mill was looted.

3. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR, and was arrested based upon a disclosure statement of co-accused Aadil, who has already been admitted to bail. Forty-one accused with similar allegations have also been admitted to bail by the trial Court. The petitioner is in custody since 11.08.2023, and the case is fixed for framing of charges on 03.04.2025.



CRM-M-22257-2024

-2-

4. Learned State counsel, on the contrary, contends that the petitioner was seen in CCTV footage, besides his disclosure statement has been recorded admitting the commission of crime. One cane of mustard oil has been recovered from him. She, however, does not dispute that the trial has not progressed, and there are thirty-five witnesses to be examined, she also submits that forty-eight accused are still to be arrested.

4.1. She also contends that after his arrest on 11.08.2023, the petitioner was released on interim bail twice from 14.12.2023 to 30.01.2024, and from 16.07.2024 to 31.07.2024.

5. The arguments advanced by learned counsel for the parties have been considered.

6. Apparently, the trial is not going to conclude in near future as the charges are yet to be framed. Investigation *qua* the petitioner is complete, and so far he has undergone one year four months and twenty-three days of custody. There is no apprehension of his threatening the witnesses or hampering trial. No complaint was received against him while on interim bail. Therefore, no useful purpose will be served by confining him to custody any longer.

7. Accordingly, petition is allowed, and the petitioner is directed to be released on regular bail subject to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

05.03.2025

Payal

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*