

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

**CRM-M-13855 of 2015 (O&M)
Date of Decision: 07.05.2015**

Akhtar

--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Sarfraj Hussain, Advocate
for the petitioner.

Ms. Mohnisha Lamba, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 392 dated 12.6.2014, under Sections 148/149/323/307/302/120-B IPC and Sections 25/54/59 of the Arms Act registered at Police Station Nuh, District Mewat.

Notice of motion.

On the asking of the Court, Mr. Manoj Kumar Sangwan, DAG, Haryana, accepts notice.

Learned counsel for the petitioner submits that reading of the FIR would show that initially no injury was attributed to the petitioner. He further submits that the petitioner was empty handed and he did not follow the injured-Asgar with his other co-accused. When he reached at the spot, firing had already taken place. The only injury attributed to the petitioner is stone blow on the shoulder of the complainant. He prays for allowing the present petition.

Learned counsel for the State, on instructions from ASI Attar Singh, Police Station Nuh, submits that petitioner was a member of unlawful assembly. He took active part in the commission of offence. Since the allegations are serious in nature, petitioner is not entitled for bail pending trial. He prays for dismissal of the petition.

Learned counsel for the complainant, while endorsing the arguments raised by the learned counsel for the State, also prays for dismissal of the petition.

Having heard the learned counsel for the parties at considerable length, after perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that petitioner deserves the concession of the bail pending trial. It is so said because, as disclosed from the reading of the FIR, petitioner has been attributed injury of stone blow on the right shoulder of the complainant. Since the prosecution evidence has just started, conclusion of the trial court will take some time.

In the totality of facts and circumstances of the case and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

07.05.2015
Ak Sharma