

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

CRM-M-17462 of 2015.

Decided on:-22.12.2015.

Shakeel.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Balraj Gujjar, Advocate
for the petitioner.

Ms. Shaveta Sanghi, AAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.481 dated 7.11.2014 under Sections 323, 307, 452 and 506 read with Section 34 IPC as well as Section 25 of the Arms Act, 1959 registered at Police Station, Punhana, District Mewat.

This Court, while recording the contention of the petitioner that during investigation the matter has been compromised with the complainant and the compromise deed (Annexure P-1) was placed on record, granted

interim bail to him vide order dated May 26, 2015.

On September 10, 2015, when the case was taken up for hearing, learned State counsel, on instructions from ASI Om Parkash submitted that the petitioner is not cooperating in the investigation to the extent that the country-made pistol which was used in the crime is yet to be recovered from him.

Learned counsel for the petitioner, while making reference to the affidavit (Annexure P-2) furnished by injured Ajruddin, contends that Kasam, who is uncle of injured Ajruddin, is the author of the FIR has given the name of petitioner Shakeel etc. on the basis of suspicion. In this regard, he has placed reliance on para No.3 of affidavit (Annexure P-2), which reads as under:

“3. That my uncle has given the name of Shakeel etc. in the case because that there was dispute between Shakeep etc. and my uncle two months earlier. Therefore, my uncle has given the name of Shakeel etc. on the basis of suspicion.”

Heard.

Considering the fact that injured Ajruddin has furnished an affidavit that his uncle Kasam has named the petitioner on the basis of suspicion and the fact that the person who has inflicted injury to the petitioner, is yet to be established during the course of trial, the present petition is allowed. Consequently, the interim bail granted by this Court to the

petitioner vide order dated 26.05.2015 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

December 22, 2015
Yag Dutt

(HARI PAL VERMA)
JUDGE