

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

Criminal Misc.No.M-21405 of 2015

Date of Decision: September 01, 2015

Aadil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Gurbachan Singh Bhatia, Advocate,
for the petitioner.

Mr.Kuldeep Tiwari, Addl.AG, Haryana.

Mr.Saleem Ahmed, Advocate,
for the informant.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section, 439, Cr.P.C. is for grant of regular bail to the petitioner, Aadil, who has been booked for having committed the offences punishable under Sections 120-B, 302 and 307, IPC, and Section 25 of the Arms Act in a case arising out of FIR No.437, dated 29.10.2014, registered at Police Station, Tauru, District Mewat.

Learned counsel contends that applicability of Section 120-B, IPC, would be a moot point during trial; as per prosecution version, Rukmudin, a co-accused of the petitioner had fired a shot from the pistol which hit Hafij (since deceased) and that another shot fired by Rukmudin had caused injuries to Mubeen (informant); it was not possible for several persons to catch hold

Hafij and in that condition, some other person would fire a shot from a country made pistol; as per prosecution version, there is a deep-rooted enmity between both the private factions and possibility of false implication of several persons including the petitioner in the present case cannot be ruled out. He further submits that on the day of occurrence, the petitioner was present in the district Courts at Gurgaon where his presence was required in the case and that the co-accused of the petitioner, namely, Rati Khan, was granted bail since he was in police custody on the date of occurrence.

Learned counsel for the State, on instructions from ASI Mohd. Harun, Police Station, Tauru, District Mewat, very fairly concedes that the petitioner had not fired a shot which resulted into the death of Hafij. He further concedes that as many as 16 persons including the petitioner have been named in the FIR. He also concedes that the petitioner is involved in so many cases registered in different police stations and that only three accused including the petitioner have been apprehended in the present case.

Learned counsel for the informant/complainant has also opposed the grant of bail to the petitioner.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Concededly, the petitioner had not fired the shot which was responsible for causing death of Hafij. Rati Khan, a co-accused

of the petitioner, has been granted bail by this Court vide order dated 27.05.2015 (Annexure P-4) and that the investigation qua the petitioner is complete and after filing of the report under Section 173, Cr.P.C., the charges have also been framed.

In view of the totality of the facts and circumstances of the case, the present petition is allowed. Petitioner-Aadil, s/o Kamru, r/o Village Panchgaon, P.S.Tauru, District Mewat, is ordered to be released on bail during pendency of trial of the present case, subject to his furnishing bail bond in the sum of ₹1,00,000/- (Rupees one lac only) with two sureties in the like amount to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Nuh, District Mewat.

September 01, 2015
seema

(Naresh Kumar Sanghi)
Judge

