

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

**CRM-M- 30384 of 2015 (O&M)
Date of Decision: 21.9.2015**

Imran

--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Rashid Pawar, Advocate and
Mr. Mohammad Arshad, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional A.G. Haryana.

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.

Learned counsel for the petitioner submits that the only injury attributed to the petitioner was on the right arm of the deceased. He further submits that the fatal injury was attributed to one Issa son of Issab. He also submits that 7 PWs have been examined, out of which, 2 were official witnesses and 5 were from the complainant side. All the 5 PWs from the complainant side have not supported the prosecution version. Petitioner is inside jail for the last more than 1 year. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from Inspector Tarun, submits that since active participation of the petitioner in commission of crime is duly established on record, he is

not entitled for the concession of bail pending trial, because strong circumstantial evidence is still there against the petitioner. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in view of the peculiar facts and circumstances of the case, petitioner has been found entitled for the concession of bail pending trial. It is so said because the injury attributed to the petitioner was admittedly not on any vital part of the body of the deceased. All the 5 PWs examined from the complainant side have not supported the prosecution version. Further, since prosecution evidence is still going on, conclusion of trial will take long time.

In view of the above and without commenting anything further on the merits of the case, at this stage, 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

21.9.2015
AK Sharma