

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-33520-2015
Date of decision:7.10.2015

Abdul Rashid

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Sarfraj Hussain, Advocate for the petitioner.
Mr.Vikas Chopra, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

By way of this second petition under Section 439 Cr.P.C., petitioner seeks bail pending trial in FIR No.392 dated 12.6.2014 registered under Sections 148, 149, 323, 307 and 120-B IPC and under Sections 25, 54 and 59 of the Arms Act at Police Station Nuh, District Mewat.

Learned counsel for the petitioner places reliance on an order dated 21.9.2015 passed by this Court in CRM-M-30384-2015 (Imran v. State of Haryana), to contend that case of the present petitioner is on better footing. Imran was attributed a specific injury on the right arm of the deceased, whereas no injury has been attributed to the present petitioner. In this view of the matter, learned counsel for the petitioner prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Vijay Pal, Police Station Nuh, submits that since the active participation by the petitioner in the commission of crime has been duly established on record, he is not entitled for concession of bail pending trial, at this stage. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the peculiar fact situation obtaining in the present case, petitioner has been found similarly placed with his above-said co-accused namely Imran, therefore, entitled for bail pending trial.

It is so said, because no injury has been attributed to the present petitioner, whereas a fire arm injury was attributed to above-said Imran on the right arm of the deceased. It is also a matter of record that out of 10 prosecution witnesses examined so far, many of them have not supported the prosecution version. Since prosecution evidence is still going on, conclusion of the trial will take some time.

In view of the above and without commenting anything further on merits of the case at this stage, lest it should prejudice the rights of either of the parties, the 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.

7.10.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE