

209

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

CRM-M-34960-2014

Date of Decision: 29.01.2015

Tofique

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana
assisted by HC Arvind Kumar.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail for offences under Sections 148, 149, 323, 506, 285 IPC read with 25/54/59 of Arms Act (later on 307 IPC was added) arising out of FIR No.112 dated 25.11.2012 at Police Station Nuh, District Mewat.

The allegation against the present petitioner is that he was member of unlawful assembly consisting of five persons. He and co-accused Ayyub was carrying an iron rod (saria), Mubarik was carrying country made pistol, Jahir was carrying double barrel gun, Bhuttu was also carrying single barrel gun and Javed was carrying iron rod (saria). Then, the allegations against the accused are that Ayyub gave *saria* blow on the

left leg of Imran, Mubarik fired one shot from his country made pistol which hit the right side of the face of Irfan-complainant, Jahir fired one shot, pellets of which hit the hand and chest of the complainant, Mukeen fired one shot which hit the right arm of Saleem. Zakiam also fired shot from his country made pistol which hit the right thigh and stomach of the complainant. Present petitioner was arrested on 3.7.2014. Earlier to that he was declared Proclaimed Offender i.e. on 6.1.2014. One more co-accused has been declared Proclaimed Offender. Three of the accused who were arrested have since been granted bail as conceded by learned State counsel on instructions from HC Arvind Kumar. No injury attributed to the present petitioner.

Therefore, keeping in view of the facts and circumstances of the case that main accused have been released on bail and disposal of the trial will take time, therefore, petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the trial Court, subject to following conditions.

- (i) that the petitioner will not directly or indirectly contact any witness acquainted with the facts of the case ;
- (ii) that the petitioner will not give any inducement, threat and promise to any witness ;
- (iii) that the petitioner will not commit any crime of similar nature and in case it is found that the petitioner has committed any crime of similar nature, then the trial Court is competent to cancel this bail order and cancel the bail ;
- (iv) that the petitioner will not leave the country without prior permission of Court and will surrender his passport before the trial Court. The same will be returned to the petitioner on conclusion of the trial. In case, there is no passport issued to the petitioner, he shall file his affidavit to this effect.

Petition accordingly disposed of.

January 29, 2015
Ishant

(KULDIP SINGH)
JUDGE