

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

CRM No.M-3812 of 2015

Date of Decision:-13.2.2015

Azruddin

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr.Ravinder Malik, Advocate for the petitioner.

Mr.Pravindra Singh Chauhan, Addl.AG Haryana for the State.

MEHINDER SINGH SULLAR , J. (Oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other main co-accused, namely, Anil alias Leela, Rajesh, Titu alias Sandeep, Rakesh alias Boda, Sandeep alias Bhola, Sombir alias Mota etc., vide FIR No.197 dated 18.6.2009, on accusation of having committed the offences punishable under sections 148, 302, 307, 120-B, 212 and 404 read with section 149 IPC and Section 25 of The Arms Act , by the police of Police Station Sampla, District Rohtak.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration over the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. What cannot possibly be disputed here is that neither the name of petitioner is mentioned nor any specific role or particular injury is attributed to him in the FIR. During the course of investigation, it revealed that although the petitioner was present at the spot, but he did not participate in the commission of crime. Titu alias Sandeep, similarly situated co-accused of the petitioner, has already been allowed the benefit of regular bail, by way of order dated 13.7.2010 (Annexure P1), rendered in CRM No.M-15021 of 2010 by a Coordinate Bench (Sabina, J.) of this court. Sequelly, Rajesh and Rakesh alias Boda, co-accused of petitioner, have also been granted the concession of regular bail, by means of orders dated 6.9.2011 and 25.11.2011 in CRM Nos.20040 & 30237 of 2011 respectively by a Coordinate Bench (Ajay Tewari, J.) of this Court. Therefore, I see no reason not to extend the same benefit of regular bail to the present petitioner as well under the similar set of circumstances.

5. Moreover, the petitioner was arrested on 18.1.2012. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. The final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of the peculiar facts & special circumstances, emanating from the record, as depicted here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

7. Needless to mention that nothing observed, here-in-above, would reflect, on merits of the main case, in any manner, during the course of trial, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

(Mehinder Singh Sullar)
Judge

13.2.2015
AS