

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

CRM-M No.40545 of 2015 (O&M)

Date of Decision: 08.12.2015

Samir @ Sharukh

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Harkesh Gupta, Advocate for
Mr. Arjun Atri, Advocate for the petitioner.

Mr. Rajiv Doon, Assistant Advocate General, Haryana
for the respondent/State along with A.S.I. Sant Lal.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner in case FIR No.410 dated 21.06.2014 for offences punishable under Sections 147, 148, 323, 149, 307, 302, 506, 120-B, 34 of the Indian Penal Code & Sections 25/54/59 of the Arms Act, registered with Police Station Nuh, District Mewat (**Annexure P-1**).

As per the allegations in the FIR lodged by the uncle of the deceased, 21 named accused attacked the deceased-Tahir. The main accused-Abid is stated to have shot Taufiq on the chest as well as the arm. Another accused-Abbas is stated to have fired at the abdomen of Tahir (since deceased). The co-accused Jahid and Mohammed are also alleged to have fired at Tahir.

Learned Counsel for the petitioner submits that the petitioner is not named in the FIR but his name has surfaced in the investigation on the disclosure

statement of co-accused Abbas. Even the said role is only of accompanying the accused party and as such, no overt or covert act has been attributed. He further submits that similarly placed co-accused Rahish has since been granted regular bail by this Court, vide order dated 29.09.2015.

The petitioner is stated to be in custody since 21.06.2014.

Learned State Counsel, on instructions from ASI Sant Lal, concedes that the identically situated co-accused Rahish has since been granted bail by this Court.

Without commenting on the merits of the case, keeping in view the parity of treatment and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Mewat.

Disposed of.

December 08, 2015
Gagan

(JASWANT SINGH)
JUDGE