

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

CRM-M No.41534 of 2015

Date of Decision:-22.12.2015

Akhtar & Ors.

.....Petitioners.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Altaf Hussain, Advocate for the Petitioners.

Mr. R.K. Doon, Assistant Advocate General, Haryana
assisted by SI Balwan Singh.

Mr. Amit Kumar Jain, Advocate for the Complainant.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the three petitioners namely Akhtar, Rubina and Aashik in case FIR No.471 dated 03.09.2015 for offences punishable under Sections 148, 149, 323, 452, 307, 302 of Indian Penal Code and Sections 25/54/59 of the Arms Act registered with Police Station Punhana, District Mewat.

The dispute between the group aligned to the Sarpanch-Talib and his opponent Usman, Ex-Sarpanch erupted at the time of finalization of preparation of a Voter List for the ensuing elections of Gram Panchayat Village Jadoli, Tehsil Punhana, District Mewat. The accused group is the

one aligned to Talib and is alleged to have thrown stones on the opposite group and the main accused Talib is alleged to have fired shots from a country made pistol in the air. The Pelting of stones has resulted into the injuries to some persons and also alleged to have caused death of one minor girl Manisha on account of injuries sustained by her. The gun shot in the air have resulted into the death of one Imtiaz son of the complainant Nijar, who was studying on the rooftop of the adjacent house.

The role attributed to Akhtar-Petitioner no.1 is that of bricks batting on the injured person and also dead body of Manisha was recovered from his house, role attributed to Rubina was of supplying pebbles and piece of bricks to the accused and giving beatings to deceased Manisha by pulling her in the house of Akhtar whereas role attributed to Aashik-petitioner no.2 was of bricks batting on the injured person.

Learned Counsel for the petitioners at this stage withdraws his prayer for grant of regular bail to **petitioner no.1-Akhtar** since the main accused Taalib and some others are yet to be arrested. He further submits that qua other petitioners in this petition keeping in view their aforesaid role they be granted regular bail as they are in custody since 04.09.2015 and after investigation challan has been presented. It is next contended that the allegation of pulling Manisha in the house of Akhtar qua petitioner-Rubina are false.

Learned State counsel assisted by SI Balwan Singh has filed reply, which is taken on record and further does not dispute regarding the role attributed to the petitioners, custody period as also the presentation of challan.

Without commenting on the merits of the case, keeping in view the above, bail application of **petitioner no.1-Akhtar** is hereby **dismissed as withdrawn**, whereas it is apparent that trial is not likely to be concluded in near future and as such no useful purpose would be served by keeping the remaining petitioners behind the bars, as such the present petition is allowed qua petitioners namely Smt. Rubina and Aashik and they are ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Mewat.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

December 22, 2015

Vinay