

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Crl. Misc. No. M-4898 of 2015 (O&M)
Date of decision : 18.02.2015

MushtaqPetitioner
versus

State of Haryana ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sarfaraj Hussain, Advocate, for the petitioner

Mr. C.S. Bakhshi, Addl.A.G. Haryana

RITU BAHRI, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner, in a case arising out of FIR No. 406, dated 23.09.2014, registered at Police Station Punhana, District Mewat, who has been booked for having committed the offence punishable under Sections 148/149/307/323/506 IPC and Sections 25/54/59 of Arms Act.

Learned counsel for the petitioner submits that as per allegations contained in the F.I.R, the role attributed to the petitioner is that he along with his co-accused came on the spot duly armed with guns, lathis, danda, farsa and stones. However, during investigation, Mehmooda was found to have used the fire arm in the alleged occurrence and even recovery of fire arm was effected from him. No weapon was recovered from the petitioner. The co-accused of the petitioner i.,e Akbar, Rehman, Khalli and Deenu who have not used fire arm were granted bail by the Court below. It is a case of version and cross version and

the petitioner and his co-accused had also received injuries in this occurrence.

Learned State counsel on instructions from ASI Khem Chand submits no charges have been framed against the petitioner under Arms Act. Challan was presented on 18.12.2014 charges have been framed on 09.02.2015. Out of 17 prosecution witnesses, none has been examined so far.

At this stage, nothing is to be recovered from the petitioner, who is in custody since 24.09.2014.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

Keeping in view the period of incarceration of the petitioner, this court feels that there is no need to detain the petitioner any longer, Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail during pendency of the trial of the present case, subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Mewat.

18.02.2015
G Arora

(RITU BAHRI)
JUDGE