

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.212

CRM-M-6752-2015

Date of Decision:-17.03.2015

Noor Mohamed and another

.....Petitioners....

v.

State of Haryana

....Respondent....

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Sarfraj Hussain, Advocate,
for the petitioners.

ASI Kalyan Singh along with
Mr. Vikas Chopra, DAG, Haryana.

JASPAL SINGH, J. (Oral)

This order shall dispose of present petition moved by petitioners namely, Noor Mohamed and Magru, under Section 439 of the Code of Criminal Procedure for grant of bail during the pendency of the trial in case bearing FIR No. 406, dated 23.09.2014, under Sections 148, 149, 307, 323, 506 IPC and Section 25 of the Arms Act, registered at Police Station Punhana, District Mewat.

As per the contents of FIR got registered by Farid, s/o Sher Mohammad, r/o Mamluka, District Mewat, present petitioners while equipped with fire arm, fired Mushtaq, s/o Issa, who sustained some fire arm injuries but during investigation of this case, investigating agency came to the conclusion that in fact, petitioners did not use any fire arm and further that Mehmood, s/o Nijru caused injuries with fire arm. Moreover, fire arm allegedly used by Mehmood though has been recovered which has since been sent to Forensic Science Laboratory for its analysis, yet the report is still awaited.

Report under Section 173 (2) Cr.P.C. has already been presented in the court, which is pending disposal. Here, it would also be pertinent to mention that co-accused of present petitioners namely Mushtaq s/o Mehmooda, who was also similarly situated, has already been granted the concession of bail by this Court vide order dated February 18, 2015. The petitioners were arrested on 24.09.2010 and since then, they are suffering incarceration. The disposal of challan is likely to take sufficient long time.

Keeping in view the aforesaid aspects of the case, petition is allowed and petitioners are ordered to be released on bail at the satisfaction of trial court/Duty Magistrate, Mewat.

(JASPAL SINGH)
JUDGE

March 17, 2015
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