

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

Crl.Misc.No.M-7724 of 2015

Date of decision : 7.4.2015

Mubin

....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Parshant Sethi, Advocate
for the petitioner.

Mr. Pravindra Singh Chauhan, Addl.AG, Haryana.

.....

MAHESH GROVER, J.

This is a petition for bail under Section 439 Cr.P.C. in terms thereof in a case registered vide FIR No.465 dated 28.7.2014 under Sections 4A, 2/80 of CS Act & 307/120B/148/149/476/34 IPC & 25 of Arms Act at Police Station Ballabgarh City, District Faridabad.

The petitioner is alleged to be a part of the group which was trying to smuggle the cattle and upon being apprehended one of the boys is said to have fired a gun shot on the car of the complainant which hit the front bumper and headlight.

It is contended by the learned counsel for the petitioner that he is in custody since July 2014 and that according to the

prosecution story, a country made pistol has been recovered from him leading to a presumption that he had fired the shot. Apart from questioning the recovery, the petitioner has also stated that the car on which the alleged shot is said to have landed has not been produced during the course of investigation. The challan has already been submitted and charge framed. It is thus contended that the role of the petitioner in firing a shot would be questionable.

Learned counsel for the State, on the other hand, pointed out that the petitioner is involved in a serious offence and has fired upon the complainant.

After hearing the learned counsel for the parties and noticing the fact that the petitioner is in custody since July 2014 and also the fact that the charge has already been framed and the trial is likely to take some time, I deem it appropriate to accept the instant petition and direct that the petitioner be released on bail in terms of Section 439 Cr.P.C. to the satisfaction of the learned trial Court.

Petition allowed.

7.4.2015

(MAHESH GROVER)
JUDGE

dss