

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

CRM-M-14848 of 2016.

Decided on:-05.07.2016.

Jamshed.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Mubarak Ali, Advocate for
Mr. Saleem Ahmed, Advocate for the petitioner.

ASI Sanjay Kumar for the respondent-State.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.258 dated 18.7.2015 under Sections 148, 149, 323, 452, 307, 506, 395, 397 and 440 IPC as well as Section 25 of the Arms Act, 1959 registered at Police Station Tauru, District Mewat.

Mr. Mubarak Ali, Advocate has put in appearance on behalf of Mr. Saleem Ahmed, learned counsel for the petitioner and has argued that in the present case as many as 18 accused have been admitted on regular bail.

He places reliance upon judgments of this Court passed in **CRM No.M-2304 of 2016** titled as **Warisa Versus State of Haryana** decided on 9.3.2016; **CRM No.M-5204 of 2016** titled as **Akhtari Versus State of Haryana** decided on 17.3.2016 as well as 4 other petitions decided on 29.4.2016 bearing **CRM No.M-12688 of 2016** titled as **Fajal Versus State of Haryana**; **CRM No.M-13134 of 2016** titled as **Samsuddin Versus State of Haryana**; **CRM No.M-12945 of 2016** titled as **Jafruddin @ Jaffa Versus State of Haryana** and **CRM No.M-12677 of 2016** titled as **Tayyub Versus State of Haryana**.

Learned counsel for the petitioner further contends that a bare perusal of the FIR nowhere suggests any injury attributed to the petitioner. The petitioner is in custody since 24.11.2015 and there is no other case against him. He states that trial of the case will take sufficient long time and only Challan has been presented in the Court.

ASI Sanjay Kumar is present in the Court on behalf of respondent-State. He does not dispute the fact that bail has been granted to the other co-accused. However, he states that as per the FIR, though no injury has been attributed to the petitioner, however, during course of investigation and on the basis of statement made by Israil under Section 161 Cr.PC, the petitioner has used fire arm and has, rather, fired shot at Israil. Though said Israil has saved himself from fire shot accidentally. Recovery of .315 bore rifle and an amount of Rs.9,000/- has been effected from the

petitioner. Therefore, it would not be in the fitness of things to admit the petitioner on bail.

I have heard learned counsel for the petitioner as well as ASI Sanjay Kumar.

The contents of FIR do not suggest any injury attributed to the petitioner. The other co-accused, as mentioned above, have already been admitted on bail by this Court. As per prosecution case, as many as 44 persons have been named as accused and name of the petitioner finds mention in the listed accused. The trial will take sufficient long time. Except the presence and recovery of .315 bore rifle along with Rs.9,000/-, nothing serious role has been attributed to the petitioner. Further more, the factum of recovery can only be proved during the trial. Admittedly, the petitioner is in custody since 24.11.2015 and there is no other case against him.

In view of the above, the present petition is allowed and the petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

However, it is made clear that the observations made shall not be read as an expression on merits of the case and the trial Court shall deal with the case of petitioner as per the evidence available on record.

July 05, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE