

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

CRM-M No.1960 of 2016

Date of Decision:-27.02.2016

Mohammad.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Ms. Monisha Lamba, Advocate for the Petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
assisted by ASI Prithvi Raj.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Mohammad in case FIR No.410 dated 21.06.2014 for offences punishable under Sections 147, 148, 149, 302, 307, 506 and 120-B of Indian Penal Code and Section 25 of the Arms Act registered with Police Station Nuh, District Mewat.

As per the eye witness account of Sirajuddin, complainant on 20.06.2014 at 12/12.30 PM, 21 named accused attack deceased Tahir. The main accused Abid is stated to have shot Tahir on the chest whereas accused Taufiq caused a firearm injury on the arms of Tahir. Another accused Abbas is stated to have fired on the abdomen of Tahir. The present petitioner-

Mohammad and non applicant/co-accused Zahid are also alleged to have fired at Tahir. The firearm injuries caused the death of Tahir at the spot.

Learned Counsel for the petitioner submits that although the petitioner has been attributed a role of having fired at Tahir, however, as per post mortem report of deceased Tahir only two injuries i.e. on the chest and on the arm have been located, which are attributed to co-accused Abid and Taufiq.

It is contended that no recovery of any weapon has been effected from the petitioner. It is further contended that 16 named accused were put in column no.2 and only 05 including the petitioner were challaned. Petitioner is stated to be in custody since 26.08.2014 and only two witnesses out of 16 prosecution witnesses have since been examined.

Learned State Counsel assisted by ASI Prithvi Raj does not dispute that recovery of any weapon has been effected from the petitioner. He also does not dispute the custody period as also the stage of trial.

Without going into the merits of the case, keeping in view the above, custody period and the fact that the trial is not likely to be concluded in near future, present petition is allowed and the petitioner Mohammad is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Mewat.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

February 27, 2016
Vinay