

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

**CRM No. M-35961 of 2016
DECIDED ON:- OCTOBER 21, 2016**

AFJAL

.....PETITIONER..

VERSUS

STATE OF HARYANA

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Karan Singh, Advocate,
 for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure (for brevity, "Code" only), petitioner-Afjal has sought bail during the pendency of trial, in case FIR No.286, dated 10.12.2015, under Section 4B, 8 of CS Act, 13(II) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 11 PC Act and Sections 279, 336, 420, 427, 476, 307, 120-B IPC and Section 25 of the Arms Act registered at Police Station Bilaspur, District Yamuna Nagar.

Undisputably, the petitioner was arrested at the spot and after subjecting him to custodial interrogation, he was remanded to judicial custody. Meaning thereby, he was no more required for further custodial interrogation. It is an admitted fact that after the conclusion of the investigation, report under Section 173 (2) of the Code has already been presented before the ld. Jurisdictional Magistrate. Not only this, even material witnesses, who were alleged to have been travelling the car at the time of alleged accident, have been

examined. But to the utter surprise, they did not support the prosecution story. Though, shots were alleged to have been fired from pistol, yet, it did not result into infliction of any injury to any person. Recovery of the alleged cows has already been effected. Otherwise also, conclusion of trial is not likely in a short span of time and it would certainly take considerable time.

Moreover, the co-accused of the petitioner namely Yaseen has already been granted the concession of bail by this Court vide order dated October 18, 2016 passed in CRM No. M-32152 of 2016.

Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, the petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial Court/Duty Magistrate.

OCTOBER 21, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No