

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

(213)

CRM-M-41100-2015

Decided on: April 29, 2016.

Azrudin @ Azru

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. R.S. Rai, Sr. Advocate, with
Mr. Karan Pathak, Advocate, for the petitioner.

Mr. C.S. Bakhshi, Addl. A.G., Haryana.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of regular bail in a case registered at the instance of Gaurav Gupta alleging that on 02.06.2015 he found some persons removing the fencing wire with the help of JCB machine and when he tried to stop them, he was attacked by 70 people carrying different weapons. His driver and guard were also attacked, as a result of which, Ram Naresh guard died on account of the injuries.

There are three material witnesses in the present case i.e. Gaurav Gupta, Subhash Chand, driver of the complainant and Shankar who had seen the members of unlawful assembly attacking the complainant and guard Ram Naresh. The said three witnesses have not only resiled from their statement during trial but have also refused to identify the petitioner, prima facie creating suspicion regarding the involvement of the petitioner, which could be determined on the basis of the remaining evidence to be led by the prosecution agency.

In view of the status of the trial till date, the petitioner can be granted concession of regular bail.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing said in this order will prejudice the determination of culpability of the petitioner on the basis of totality of the circumstances in the evidence, brought on record.

(M.M.S. BEDI)
JUDGE

April 29, 2016
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