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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-43081 of 2015 (O/M)

Date of decision : 12.2.2016

Juned and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Altaf Hussain, Advocate, for the petitioners.

Mr. Yashwinder Singh, Deputy A.G. Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

This order will dispose of the first regular bail application, filed by the petitioners Juned and Jafruddin under Section 439 Cr.P.C., for grant of regular bail in FIR No. 210 dated 21.10.2015, registered under Sections 307, 379, 411 IPC and under Section 25 of Arms Act, 1959, at Police Station Nagina, District Mewat.

The prosecution story is that the police had received a secret information regarding the theft of electric wires by one Asgar. The police party accordingly laid a Naka. Then, a canter was seen coming. As per the FIR, Juned (petitioner No. 1) was driving the canter, whereas one Noorudeen @ Changa and Asgar were sitting by the side. Three more persons were sitting in the rear body of the canter, namely, Kamarsah Rahish, Mahesh and Jafruddin (petitioner No. 2). It is alleged in the FIR that when the police party signalled to

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stop the canter, then Asgar fired with his country made pistol on the ASI and exhorted the driver to run over the police party. However, before they could do so, they were apprehended. The allegations against petitioner No. 1 are that he was driving the canter, whereas petitioner No. 2 was sitting on the rear side of the canter. Therefore, it will be doubtful at this stage to ascertain whether the person sitting in the rear side of the canter shared the common intention to commit offence under Section 307 IPC.

The learned counsel for the petitioners has produced the copy of the order dated 8.1.2016, passed by the learned the learned Additional Sessions Judge, Mewat, vide which main accused Asgar, who had fired on the police party, has been granted regular bail. The present petitioners have been in custody since 22.10.2015. Therefore, at least on the ground of parity, petitioner No. 1 is also entitled to bail.

In view of the matter, the present petition is allowed. Both the petitioners are ordered to be released on bail on their furnishing personal bonds in the sum of Rs. 50,000/- each with one surety of the like amount each to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Mewat.

(KULDIP SINGH)
JUDGE

12.2.2016
sjks