

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

***CRM No.M-6558 of 2016 (O&M)
Date of decision : 30.03.2016***

Mubarik

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.409 dated 23.05.2014, under Sections 147/148/149/186/223/224/225/307/332/341/353/379/411/120-B IPC and Sections 25/54/59 of the Arms Act, registered at Police Station Sohna, District Gurgaon.

Counsel for the parties have been heard.

FIR came to be registered against unnamed persons on the allegations that one accused, Chaman was made to escape from the custody of a police escort party. Allegations were also to the effect that the Escort Party had been fired upon.

Name of the present petitioner does not figure in the FIR. The occurrence pertaining to escape of Chaman having been facilitated relates to 23.05.2014.

The present petitioner was arrested on 21.07.2015. He is sought to be implicated on the basis of disclosure statement of co-accused, Mufid @ Muffi. It is the contention raised by learned counsel for the petitioner that no test identification parade was conducted by the Investigating Agency.

Learned State counsel upon instructions from SI Raj Kumar would apprise the Court that the challan qua the present petitioner was presented on 03.08.2015 and thereafter, in the trial that has ensued out of 32 prosecution witnesses cited, only 6 have been examined till date. The trial, as such, would take time to conclude.

Without making any observations on the merits and keeping in view the length of incarceration already suffered by the present petitioner, he is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurgaon.

Disposed of.

30.03.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**