

Sr. No.210

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

CRM No. M- 18886 of 2017 (O&M)

Date of Decision:31.05.2017

Shamim

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. C.S. Bakshi, Addl. AG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in FIR No.219 dated 23.04.2016, under Section 302 of Indian Penal Code and Section 25 of Arms Act, registered at Police Station Punhana.

Counsel for the parties have been heard.

Deceased in the present case is Naseem. As per prosecution version, Naseem had died on account of one solitary firearm injury attributed to co-accused Jafu.

It has gone un-controverted that during the course of investigation, the present petitioner was found innocent and it is only on account of an application filed under Section 319 Cr.P.C. having been allowed that the petitioner was summoned to face trial as an additional accused. The present petitioner who was involved in a different FIR bearing No.02 dated 05.01.2017, under Section 395 of Indian Penal Code, registered at Police Station Bichor, was brought on production warrants in the instant FIR on 04.04.2017.

It is not in dispute that even as per order dated 22.02.2017, passed by the trial Court, summoning the present petitioner and three other persons as additional accused, the allegation was as regards the petitioner being present at the spot of occurrence. There are no allegations with regard to the present petitioner having inflicted any injury on the person of the deceased.

Other co-accused namely Shakeel & Vakeel and who were also summoned to face trial as additional accused and against whom, there were similar allegations, have been granted the concession of interim bail by this Court in the light of order dated 07.04.2017 in **CRM-M-11873 of 2017**.

Without making any observations on merits and in view of the circumstances noticed hereinabove, the petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of trial Court/Duty Magistrate, Mewat.

Petition disposed of.

31.05.2017*anju rani***(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No