

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

CRM No.M-29298 of 2017 (O&M)

Date of Decision: August 22, 2017

Sehnaz and others

...Petitioners

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sarfraj Hussain, Advocate
for the petitioners.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.90 dated 17.05.2016 under Section 302 IPC, registered at Police Station Nagina, District Mewat.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that, Khurshid, brother of the deceased Sahuni, got registered the FIR by alleging that on 16.05.2016, accused Majid, Salim, Matin and Sehnaz, in conspiracy with each other, have committed murder of Sahuni. During the investigation, challan was

presented only against Matin and weapon, with which injuries were caused, was also recovered from him. The present petitioners were found innocent during investigation. Learned trial Court has summoned these petitioners under Section 319 Cr.P.C.

The perusal of the FIR shows that no specific role has been attributed to petitioners Sehnaz, Salim Javed and Abdul Majid. Learned counsel for the petitioners relied upon the statement of Janista, child witness aged about 6 years, who has stated that Matin has caused injuries.

Firstly, the petitioners have been found innocent during investigation. Secondly, eye witness has not named these petitioners. Thirdly, no specific role has been attributed to them. Further, as these petitioners have been summoned under Section 319 Cr.P.C., therefore, they are not required for investigation or interrogation purposes and they are only to face trial. The trial of the case will take long time. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, the present petition is allowed. The petitioners are directed to appear before the trial Court within ten days from today and on doing so, they shall be released on bail by the trial Court to its satisfaction.

August 22, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No