

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5539 of 2017 (O&M)

Date of Decision: 27.02.2017

Shokin

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Anjum Ahmed, Advocate for the petitioner.

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

Mohd. Arshad, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.513 dated 7.7.2016 under sections 148, 149, 323, 325, 389, 302, 120-B, 216 I.P.C., registered at Police Station, Sector 55, Faridabad, District Faridabad.

Learned counsel for the parties have been heard.

FIR came to be registered on the statement of Azad in relation to an occurrence that allegedly took place on 7.7.2016. A total of 8 persons were stated to have suffered injuries and as per complainant Azad son of Ishab, 13 assailants were named initially.

One of the injured namely Umar Sayed succumbed to his injuries on 10.7.2016 and thereby attracting offence under Section 302 I.P.C.

During the course of arguments it has gone uncontroverted that the name of the present petitioner did not figure in the initial list of 13 assailants named by complainant Azad. A supplementary statement of Azad

is stated to have been recorded on 27.7.2016 and in which the number of assailants has swelled to 25 and the name of the present petitioner also figures.

As per prosecution version, the statements of complainant Azad, who is himself an injured, Aadil and Shahabudeen have been recorded under Section 161 Cr.P.C and which indicate towards the participation of the present petitioner in the occurrence. Be that as it may, none of these prosecution witnesses has attributed any injury to the present petitioner on the person of deceased Umar Sayed.

Petitioner has been in custody since 13.9.2016.

Challan qua the petitioner already stands presented.

Trial is at the very initial stage.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Faridabad.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

27.02.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No