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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 17478 of 2017 (O&M)
Date of Decision: 02.02.2018

Deenu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

Mr. Manish Bansal, D.A.G., Haryana.

Mr. Pardeep Goyal, Advocate,
for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.3325 of 2018:

Ld. Counsel for the applicant-petitioner is permitted to place on record the zimni orders passed by the Ld. Trial Court (Annexure P-3) collectively.

Application stands disposed off.

CRM-M No. 17478 of 2017:

In this petition, the petitioner seeks his release on regular bail in F.I.R. No.79, dated 25.05.2016, under Sections 147, 148, 149, 323, 302 and 216 of the Indian Penal Code, Sections 25/54/59 of the Arms Act, registered at Police Station Bahin, District Palwal, Haryana.

2. Undoubtedly, the contents of the F.I.R. disclose very serious offences inasmuch as four persons were allegedly killed by gun shots. As many as fifty persons were alleged to be the part of the crowd which attacked and killed the victims. Twenty out of those fifty persons were named, including the present petitioner. However, there is absolutely no allegation of his having been armed with any firearm or having shot at any victim. A *farsa* was allegedly recovered from him, but admittedly it was not used in actual attack on any of the deceased/victims.

3. The petitioner has remained in custody for more than one and a half years, since his arrest on 15.06.2016.

4. From the zimni orders placed on record on behalf of the petitioner, it transpires that charges in the case were framed on 11.10.2017. Thereafter, the matter was posted for prosecution evidence, but till date even the first witness is yet to be examined, since prosecution witnesses failed to turn up in spite of service of summons on 16.11.2017, after which bailable warrants were ordered to be issued against them on that date as well as the following date being 14.12.2017.

5. Ld. State Counsel submits that even on the third adjourned date (25.01.2018), no prosecution witness was present and the matter has now been deferred to 01.03.2018.

6. In this view of the matter, and considering the limited role imputed to the petitioner in the F.I.R., which has already been mentioned above, as also the fact that he is an old man of around 68 years, in the opinion of this Court, his further detention for an indefinite period at this stage is not justified.

7. In view of above, the present petition is allowed and the petitioner, namely Deenu son of Hazar Khan, is directed to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court, concerned.

02.02.2018

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No