

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

**CRM-M No. 51071 of 2018
Date of Decision:-26.11.2018**

Ehsaan and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Ram Niwas Kush, Advocate
for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioners Ehsaan and Afzal have preferred this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.320 dated 27.12.2017, under Sections 302, 307, 380, 382, 392, 393, 397, 458, 459, 460, 120-B and 34 IPC and Section 25 of the Arms Act, 1959, Police Station Uklana, District Hisar, recorded on the basis of statement given by complainant Het Ram s/o Nathu Ram.

As per allegations in the FIR, the occurrence took place on 27.12.2017 at around 2.45/3.00 AM when a noise was heard and it was noticed that the cattle is being loaded in a pick up van in front of house of Dalip. As per the prosecution, the complainant has given the particulars of three assailants, who were present at the spot and were loading the buffallos

belonging to the complainant in the pick up van. Inderpal (now deceased) had made an attempt to get free the buffallos from the assailants, but in reaction a gun shot was fired by one of the three assailants, causing his death.

Learned counsel for the parties have been heard.

After investigation, three persons, namely, Faizan, Usman and Farman were implicated in the case. However, the petitioners, namely, Ehsaan and Afzal were introduced as accused on the basis of disclosure statement given by Faizan. The petitioners were indicted as accused with the aid of Section 120-B IPC.

Learned counsel for the State has not disputed this fact that except for the disclosure statement of Faizan, there is no evidence against the petitioners. It is also not in dispute that the weapon of offence i.e. the pistol has been recovered from the co-accused Farman.

Learned counsel for the petitioners contends that the petitioners are innocent and have been falsely implicated in the case and there is no admissible evidence against them. Whereas on the other hand, learned counsel for the State has opposed the petition on the ground that the offences are serious in nature and they do not deserve the concession of regular bail.

Considering the allegations and the nature of evidence collected against these petitioners, particularly the fact that investigation of the case is complete and there are 38 prosecution witnesses, who are to be examined. The trial is likely to take considerable time and, therefore,

without commenting anything upon merits of this case, the petitioners Ehsaan and Afzal are ordered to be released on regular bail subject to their furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

November 26, 2018
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No