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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19204-2019 (O&M)
Date of decision-08.07.2019

Ajji @ Azad

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Nafeesh Ahmed, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
ASI Harkesh.

MANOJ BAJAJ, J.

CRM-13856-2019

Application is allowed as prayed for.

Main case

Petitioner-Ajji @ Azad has prayed for grant of regular bail in case FIR No.344 dated 10.06.2018 under Sections 392, 397, 458 and 380 of Indian Penal Code (in short 'IPC') and Sections 25, 54 and 59 of Arms Act registered at Police Station Nuh, District Nuh, Mewat. The petitioner is in custody since his arrest on 09.11.2018.

The FIR was registered on the statement of Niyaz Mohd with the allegations that on 08.06.2018, at about 1.30 a.m., three young boys namely, Dilshad, Ajji (petitioner who was armed with knife) and Samim entered into the house of the complainant with the intention to loot. Ajji

gave a knife blow on the head of the complainant and had snatched Rs.25,000/- and two mobile phones. All three persons gave beatings to the complainant and his wife. On raising alarm, assailants ran away from the spot. On these allegations, FIR was registered.

Learned counsel for the petitioner contends that originally the FIR was registered on 10.06.2018 for the offences punishable under Sections 458 and 380 IPC and Section 25 of Arms Act. He contends that subsequently, the offences punishable under Sections 392 and 397 IPC were added after a period of six months i.e. on 14.12.2018. He submits that the petitioner is in custody since 09.11.2018 and trial is not making any headway as the other co-accused are yet to be arrested. He submits that investigation qua petitioner is complete as challan stands filed against him.

On the other hand, learned State counsel assisted by ASI Harkesh opposed the bail application. It is fairly admitted by learned State counsel that the offences under Sections 392 and 397 IPC were added on 14.12.2018. He submits that co-accused, namely, Samim was arrested on 18.11.2018 and was released on bail. Further, after addition of the offences in December, the said accused has absconded. It is also not disputed that the injury suffered by the victim is simple in nature and there is no other case pending against the petitioner. The parties are residents of the same village.

Considering the above background, custody of the petitioner and the fact that the trial is likely to take sometime, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case,

petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Nuh.

The petition is allowed.

08.07.2019

vanita

(MANOJ BAJAJ)
JUDGE

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