

220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34034-2019

Date of Decision : September 06, 2019

Saddam
State of Haryana

Versus

....Petitioner
....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Himamt Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in case FIR No.308 dated 23.8.2018, under Sections 307, 506, 34 IPC and Sections 24 and 54 of the Arms Act, 1959, registered at Police Station, Tauru, District Nuh.

Counsel for the petitioner submits that as per the allegations in the FIR registered at the instance of Aas Mohammad, it is stated that his brother Mohd. Arshad is a driver and the accused persons are the brother-in-law of the petitioner. It is further stated that Liyakat had enmity with him and on the day of Eid, Shekul threatened him on his mobile phone. At about 6.40, the accused reached at the house of the complainant carrying weapons and started firing and the complaint saved his life by hiding in the house.

Counsel for the petitioner further submits that, in fact, it is a matrimonial dispute between the parties and as per the allegations,

Shekul and Aalam had fired with the weapons and there is no direct allegation against the petitioner-Saddam. He has further submitted that the petitioner is in custody for the last 01 month and 16 days.

Learned State counsel, on instructions from the Investigating Officer and on the basis of the custody certificate submits that the petitioner is in custody for the last 01 month and 16 days and is no more required for further investigation.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 month and 16 days and no more required for further investigation, this petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

September 06, 2019
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