

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

CRM-M-46227-2019
Date of decision: 04.11.2019

Aslam @ Maluk

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- ASI Sohrab Khan.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 107 dated 04.03.2017, registered under Sections 279, 336, 379, 506 and 379-B (added later on) of the IPC and Section 25 of the Arms Act, 1959 at Police Station Nuh, District Nuh.

Since the lawyers are abstaining from work today, there is no representation from either of the parties.

On 25.01.2019, while granting regular bail to co-accused Shakeel, the following order has been passed by this Court in ***CRM-M-50533-2018***:

“Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved. As per the allegations in the FIR, when co-accused Rahul was giving beatings to the complainant, petitioner along with other co-accused came and they also gave beatings to the complainant. Learned counsel further submits that it was a minor dispute between the parties but later on a false story has

been concocted. The complainant has been examined and he could not identity the petitioner. Two material prosecution witnesses have been examined and both of them have not supported the case of the prosecution including the complainant. Petitioner is in custody since 18.08.2018. Learned State counsel has not disputed the custody period as well as recording statement of two material prosecution witnesses. Heard arguments of learned counsel for the petitioner as well as learned State counsel and have perused the contents of the FIR and other documents on file. By considering the custody period of the petitioner since 18.08.2018 and also the fact that out of total 10 prosecution witnesses, 2 material witnesses including the complainant have been examined who have not supported the case of the prosecution, still the trial may take time to conclude, no purpose would be served by keeping the petitioner in custody. Accordingly, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.”

A perusal of the record shows that even the main accused, namely Rahul Khan, has been granted concession of regular bail, vide order dated 12.04.2019 passed by this Court in ***CRM-M-15453-2019***.

The Investigating Officer, who is present in Court today, has stated that some other FIRs are also pending against co-accused Rahul Khan, who has already been granted regular bail as noticed above, however, no other FIR/case is pending against the present petitioner.

In view thereof, without commenting upon the merits of the case, considering the fact that co-accused of the petitioner have already been granted concession of regular bail by this Court and the petitioner is in

judicial custody since 16.07.2019; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

04.11.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No