

S.No.201

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

CRM-M-48007 of 2018 (O&M)

Date of Decision:07.01.2019

FarukhPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. J.S. Hooda, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG,
Haryana.

Mr. Roopak Bansal, Advocate for the
complainant.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.539 dated 27.08.2018 registered under Sections 148, 149, 323, 324, 325, 326, 452, 427, 506, 285, 34 IPC (Section 307 IPC added later on) and Sections 25, 54, 59 of Arms Act, 1959 at Police Station Nuh.

Learned counsel for the petitioner contends that even as per the case of the prosecution, the injury which has led to allegation under Section 307 IPC is attributed to one Arshad and not to the petitioner. Otherwise also, it is admitted case of the complainant that there had been civil litigation between the parties. Therefore, the petitioner has been wrongly involved in the case. It is further contended that the challan has already been filed in the case. The petitioner is not required for any investigation purposes. The petitioner is in custody since 27.09.2018. The trial is likely to take longer time to conclude. Hence, no purpose would be served by keeping the petitioner in custody.

On the other hand, learned counsel for the complainant submitted that the petitioner is participant in the offence which was committed by 34 persons by forcibly entering the house of the complainant and they caused the injuries to the ladies of the family. Therefore, the petitioner do not deserve any concession of bail.

Even, the learned State Counsel submits that there are serious allegations against the petitioner. He is one of the participants in the offence from whom even the recovery has been effected. However, the learned State Counsel has not disputed the fact that as per the allegations, the injury leading to addition of Section 307 IPC in the case is not attributed to the petitioner as such and that the petitioner is in custody since 27.09.2018.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

January 07, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No