

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-5695-2020 (O&M)

Date of Decision:- 14.2.2020

Jubba @ Mahabir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sahurya Puri, Advocate for
Mr. Vinay Kumar Pandey, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.88, dated 27.1.2019 under Sections 186, 353, 307, 279, 336, 120-B of IPC, Section 25 of Arms Act and Sections 13(2) of Haryana Gauvansh Sarankshan and Gau Samvardhan Act, registered at Police Station Nuh, District Nuh.
2. The case of the prosecution is that a secret information was received by the police that petitioner-Jubba @ Mahavir, Sher Mohd. @ Sheru and Irshad purchased cattle at a lower price from Haryana and sell the same at Rajasthan. The information was further to the effect that they

would be transporting cows to Rajasthan and in case barricading is laid they can be caught red handed. Consequent upon receipt of said information barricading was held and a pick-up truck which was stated to be coming at fast speed was signaled to stop but the truck driver did not pay any heed and attempted to speed away the truck and in which process the pick-up truck became imbalanced and hit against a tree. It is further the case of prosecution that persons sitting in the truck fired at police with an intention to kill them. However the police officials were able to nab Sher Mohammad @ Sheru and who upon interrogation disclosed the name of other two persons who had run away from the spot as Mahavir @ Jubba (petitioner) and Irshad @ Madheda. It is further the case of prosecution that truck in question was found to be carrying 5 cows and that upon checking of cabin of the truck, two rounds of .32 bore and a fully loaded country made pistol of .32 bore was recovered.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case since he has been behind bars since last about 1 year, his further incarceration is not justified.
4. Opposing the petition, learned State counsel has submitted that since the petitioner's name came to be nominated by Sher Mohammad @ Sheru who was arrested at the spot and since the accused fired at the police party, no case for grant of bail is made out. It has however been informed that the petitioner is not involved in any other case.

5. I have considered rival submissions addressed before this Court. Without commenting anything on merits of the case and while keeping in view the aforesaid facts especially that the petitioner was not even arrested at the spot, further detention of the petitioner is not justified. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

February 14, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No