

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12906-2020 of 2020(O&M)
Date of Decision:03.07.2020

Juber

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sarfraj Hussain, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana

ANIL KSHETARPAL, J.

The petitioner prays for grant of regular bail pending trial in a criminal case arising out from FIR No.220, dated 04.08.2018, registered under Sections 148/149/323/302/120-B/411/201 IPC and Sections 25/54/59 of Arms Act, at Police Station Punhana, District Nuh.

In a nutshell, the case of the prosecution is that Waheed fired a bullet from a distance of 2-3 feet which hit Waseem (deceased) on his neck. Whereas Ajru fired a shot which hit the deceased below shoulder. When the first informant, Sakir and Sakeel attempted to save Waseem, then Arshad, Ahmed, Ayup, Sorab, Usma, Harun and Jubir (the petitioner) beat them with sticks, resulting in injuries to the first informant, Sakir and Sakeel.

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioner contends that the petitioner is in custody since 07.01.2020. He further submitted that the first informant had, although, tried to implicate 13 accused, however, the prosecuting agency after investigation has found 9 accused innocent and the police report under Section 173 Cr.P.C has been presented only against 4 accused. He further submitted that Azru @ Azruddin, who is attributed to have fired a bullet, has been granted bail vide order dated 27.02.2020, passed in CRM-M-21441-2019.

On the other hand, learned counsel for the State has submitted that the petitioner is alleged to have given injuries to the first informant and others with sticks. He further submitted that the motorcycle used in the crime on which accused came to the place of crime belongs to the petitioner.

This court has considered the submissions.

As per the FIR, the petitioner is alleged to have hit the first informant and 2 others with wooden stick. The petitioner is not alleged to have caused injuries to the deceased.

The petitioner is in custody since 07.01.2020. Azru @ Azruddin has already been granted concession of bail. The application filed by the prosecution under Section 319 Cr.P.C for summoning 4 additional accused has been allowed against which a petition is pending in this Court.

Keeping in view the aforesaid facts, trial has to start afresh; conclusion whereof is likely to take time. Without commenting on merits, this Court is of the considered view that it would not be appropriate to further continue to incarcerate the petitioner. The petitioner is in custody since 07.01.2020. He is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial

Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

(ANIL KSHETARPAL)
JUDGE

3rd July, 2020

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Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No