

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

CRM-M-19486-2020

Date of decision : 06.08.2020

Ikbal @ DC

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mohd. Salim, Advocate
for the petitioner.

Ms. Tanushree Gupta, D.A.G., Haryana.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No. 622, dated 10.10.2019, registered under Sections 148, 279, 307, 336 read with Section 149 of Indian Penal Code, 1860; Sections 25(1) B-A, 27(1) of Arms Act, 1959 and Section 13(2) of the Haryana Gauvansh Sanrakhshan and Gau Samvardhan Act, 2015 at Police Station Sector 10, Gurugram, District Gurugram.

Learned counsel for the petitioner states that the petitioner is not named in the FIR and his name surfaced in the disclosure statement of co-accused. As per the FIR, fire shot has been attributed to Kayyum. Nothing was recovered from the petitioner. He is in custody since 18.01.2020.

On the other hand, learned State counsel submits that the

complainant is associated with Bajrang Dal and is a cow vigilant. The parties were not known to each other.

Heard.

Considering the fact that though the learned State counsel has pointed out that the parties were not known to each other, however, the complainant has specifically given the names of the accused which prima facie raises question regarding the veracity of the incident. Even the charges have not been framed in the matter. In the circumstances, there is absolute uncertainty with regard to the conclusion of the trial. No useful purpose will be served by keeping the petitioner under further incarceration.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

06.08.2020
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No