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

CRM-M No.21441 of 2019

Date of Decision: 27.02.2020

Azru @ Azruddin

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Jitender Dhanda, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana

Mr. Satish Chaudhary, Advocate
for complainant

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 482 Cr.P.C in case bearing FIR No.220 dated 04.08.2018, registered under Sections 148,149,323,302 of IPC and Sections 25 of Arms Act, 1959, at Police Station Punhana District Nuh.

The FIR came to be registered at the instance of Majid, who stated that the accused party came on

motorcycles and one car. Waheed fired a shot from a distance of about 2-3 feet directly at the neck of Waseem from behind. Petitioner fired a shot which hit below shoulder of Waseem.

As per postmortem report one entry wound of size 1x1cm was found over anterior aspect of neck and one exit wound was found in the form of a oval to circular penetrating wound 1.5x1.5cm present over posterior scapular area of trunk. The postmortem report was prepared on 04.08.2018 itself. Learned counsel for the petitioner submits that the gun shot injury allegedly attributed to the petitioner is not corroborated from medical evidence vis. the postmortem report which has only described the injury attributed to Waheed. The complainant on seeing the aforesaid nomenclature of the injury, ventured to get his supplementary statement recorded on 06.10.2018, thereby changing the culpability of Waheed vis-a-vis the present petitioner.

Petitioner is in custody since 04.08.2018. Learned State Counsel duly assisted by learned counsel for the complainant and on instructions from SI Kanwar Pal stated that there are total 15 accused. As on date petitioner Azru @ Azrudin and Jubair are in custody, 09 accused have been declared as innocent and 04 accused are still absconding. Out of 09 accused who were declared

innocent, 04 of them have been ordered to be summoned under Section 319 Cr.P.C. They have challenged the same by way of criminal miscellaneous in the High Court in which notice has been issued and the case is fixed for 27.04.2020 along with interim direction.

Learned State counsel further submits that petitioner is having antecedent behaviour of the criminal activity and there is apprehension of his further involvement in some activity so as to influence the witnesses.

Having considered the arguments on prima facie consideration, I find that in view of postmortem report, the factum of second shot attributed to the petitioner vis-a-vis the supplementary statement of the complainant would remain debatable. Waheed is still at large. Law will take its own course.

So far as the petitioner is concerned he is in judicial custody since 06.08.2018. The trial of the case may take some time in its culmination.

Keeping in view the aforesaid facts and without forming any opinion on the merits of the case, I deem it just and appropriate to release the petitioner on regular bail.

In view of above, the present petition is allowed and the petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

Nothing expressed hereinabove shall be construed
to be an opinion on merits of the case.

February 27, 2020	(RAJ MOHAN SINGH)
pry	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No