

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

208

**CRM-M-22660-2020 (O&M)
Date of Order:21.09.2020**

ARSHAD @ BHURA

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepanshu Matya, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

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

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

In a nutshell, the case of the prosecution has been noticed by the learned Sessions Judge, Mewat, in paragraph 3 of its order dated 04.10.2020, which is extracted as under:-

3. Per reply present FIR was on the statement of Majeed to the effect that they have previous enmity with the accused and their family members. On 03.08.2018 at about 01.00 PM the children of both the families got into some hot arguments. Thereafter, at about 08.00 PM went to a shop to get some articles where his son Waseem alongwith Sakir and Sakil sons of Mohammad also came on that shop. They all were having cold drinks there. In the meantime Ayyub son of Hassu and Sohrab son of Jumma who were already there and were talking with someone over the phone. After some time all the accused on 34 and a Breza Car having arms reached at the spot and caused injuries to them. Injured persons were taken to hospital for treatment where Waseem son of had succumbed to his injuries. On the basis of the present FIR under sections 148, 149, 323, 302 of IPC and 25 of Arms Act was registered. The sought legal action against the accused."

Learned counsel for the petitioner contends that the petitioner was

not named in the FIR. He further contends that the petitioner has been falsely

implicated in a supplementary statement dated 06.08.2018. He further contends that even as per the supplementary statement, the petitioner was driving the motorcycle which was instrumental in bringing Azru alias Azruddin. He further draws attention of the court to the orders passed in CRM-M-21441-2019 (Azru @ Azruddin vs. State of Haryana) and CRM-M-12906-2020 (Juber vs. State of Haryana). Both these co-accused have been granted bail.

On the other hand, learned counsel appearing for the State has submitted that the petitioner, although, not alleged to have inflicted any injury to the deceased or to other but he was instrumental in driving Azru @ Azruddin to the place of occurrence.

This court has considered the submissions.

The petitioner is in detention from 13.04.2020. On conclusion of the investigation, the challan has been presented, however, charges have not been framed. The prosecution proposes to examine 40 witnesses on its behalf. The conclusion of the trial is likely to take time. Mr. Chetan Sharma, Assistant Advocate General, Haryana, on instructions from ASI Kamal, has submitted that the petitioner has a clean antecedents as he is not involved in any other criminal case apart from the present one.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 13.04.2020 and conclusion of the trial is likely to take time, the petitioner 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 petition is allowed with the aforesaid directions.

September 21, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No