

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

CRM-M-45887-2019

Date of decision : 04.02.2020

Naseem Ahmed

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mohd. Salim, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana
assisted by SI Surinder Singh.

MANJARI NEHRU KAUL, J (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.38, dated 03.02.2019, under Sections 302, 201, 120-B, 304-B, 406 and 34 of IPC and Section 25 of the Arms Act, registered at Police Station Sector-5, Gurugram, District Gurugram, Haryana.

2. Learned counsel for the petitioner submits that the petitioner was working as a servant with the main accused and was not even named in the FIR in question. It was only on the basis of confession made before the police on 03.02.2019 that the petitioner was challaned in the case in question and has been in custody since 03.02.2019, i.e. for about one year and the trial is unlikely to conclude in the near future.

3. Learned State counsel on the other hand opposed the grant of regular bail to the petitioner in view of the serious allegations

levelled against the accused in the FIR. Further he is unable to controvert the fact that his name indeed figured only in the confession statement made by the co-accused before the police. Learned State counsel has apprised the Court that only 2, out of 20 prosecution witnesses have been examined till date.

4. Having considered the submissions made by either side, the petitioner has been behind bars admittedly since 03.02.2019 i.e. for about one year, hence, further detention of the petitioner will not serve any useful purpose. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate concerned. However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

04.02.2020

Dinesh

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No