

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7200-2021 (O&M)
Date of Decision:- 19.2.2021

Mukeem @ Mukki

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kamal Deep Sehra, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Balbir Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 538, dated 24.10.2019, Police Station Tauru, District Nuh, under Sections 148, 149, 302, 323, 452 of IPC and Section 25, 54 and 59 of Arms Act.

2. The FIR was lodged at the instance of Sirajuddin wherein it has been alleged that a water supply pipe has been laid in their village. On 24.10.2019 at about 10.30 am., Abdul Guni started digging the said pipe so as to obstruct the water supply. When complainant's father Babudin objected to the same, Abdul Guni called other members of his family namely Wasim @ Bolar, Yunus @ Kala, Mukeem @ Mukki (petitioner) and his wife Aimna, his daughter Wasima and Wasim's wife Nasim, who came there along with weapons. The complainant and others being scared went to their house. It is alleged that Abdul Guni fired a shot from his gun hitting Anish with an intention to kill him. Yunus @ Kala also fired at Anish with his gun. The petitioner Mukeem @ Mukki gave a blow with 'sariya' (iron rod) to complainant's father Babudin hitting him on his face. Aimna, Waseem and Naseem who was having 'pharsa' (axe and sticks) caused injuries to the complainant and to his mother Dholi. When the complainant and others raised alarm the accused left the place of occurrence. The complainant's brother Anish died at the spot having received gun shot injury.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even if the FIR is taken to be correct, still no injury to the deceased is attributed to the petitioner and that he is attributed an injury to complainant's father Babudin. It has further been submitted that the petitioner in any case has been behind bars since the last about 1 year and as such deserves the concession of bail.

4. Opposing the petition, the learned State counsel has submitted that since the petitioner was a member of the unlawful assembly which murdered Anish, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 1 year and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner is not attributed any injury to the deceased and while noticing that the petitioner as on date has been behind bars since the last about 1 year and that conclusion of trial is likely to consume time, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

February 19, 2021
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(GURVINDER SINGH GILL)
JUDGE

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