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

**CRM-M No.14871 of 2021(O&M)  
Date of Decision: 19.07.2021**

**Imran**

**.....Petitioner**

**Vs**

**State of Haryana**

**.....Respondent**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Mazlish Khan, Advocate  
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

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**RAJ MOHAN SINGH, J.(Oral)**

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.396 dated 14.05.2019 registered under Sections 148, 149, 323, 452, 364, 285, 302 IPC and Section 25 of the Arms Act at Police Station Nuh, District Nuh.

At the very outset, learned counsel for the petitioner submits that the present petitioner i.e. Imran is different than the co-accused Imran, who has already been granted regular bail vide order dated 08.03.2021 passed in CRM-M No.2237 of

2021. Petitioner has been implicated on the basis of disclosure statement of co-accused Deenu, who has been granted regular bail by this Court vide order dated 05.06.2020 passed in CRM-M No.12845 of 2020. Learned counsel further submits that co-accused Akbar, Arshad and Junaid have also been granted regular bail by this Court in CRM-M No.24045 of 2020, CRM-M No.31189 of 2020 and CRM-M No.19530 of 2021 on 28.08.2020, 27.11.2020 and 25.05.2021 respectively.

Learned counsel further submits that when deceased Sakir was brought to the hospital, he died on the way. A video clip was prepared, wherein Sakir had named Suresh, Arshad Gaddarbass, Suresh Arsi, Junaid, Sakir Gaddarbass, Ihstak Rithad, Imran Devla (petitioner) and one Rahul, who had given beatings to him and broke his hands and legs. Suresh Arsi had fired shots on his both legs. Learned counsel further submits that the factum of recording the alleged version of version of Sakir in the mobile phone and thereafter, transferring the same in pen drive would be hit by Section 65(B) of the Evidence Act as the same is a secondary evidence. There is no reference of pen drive. The preparation of pen drive would be the result of uploading the video from whatsapp and then in the pen drive.

Learned State counsel, however, opposed the bail on the ground that the petitioner has been named by the deceased

in his version recorded firstly in the mobile and the petitioner has been nominated in the disclosure statement of co-accused Deenu also. Petitioner is in custody since 01.07.2020. Petitioner is also involved in four other cases.

Keeping in view the factual position of the case and the stage of the trial, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on merits of the case.

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

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

19.07.2021

*Prince*

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)**  
**JUDGE**

Yes/No

Yes/No