

CRM-M-22027-2021

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22027-2021
Date of Decision 09.8.2021

Azam @ Sukha

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. Pankaj Bali, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court).

ARUN PALLI, J. (Oral):

Vide this petition under Section 439 of the Code of Criminal Procedure, the petitioner prays for a regular bail in FIR No. 731 dated 5.12.2020, under Sections 279/336/427/429/307/420/473/34 of the Indian Penal Code; Section 11 of the Prevention of Cruelty of Animals Act, 1960; Section 13(2) of the Haryana Gauvansh Sanrankshan & Gausamvardhan Act, 2015 and Sections 25/24/59 of the Arms Act, registered at Police Station Shahbad, Kurukshetra.

Learned counsel for the petitioner submits that although offences under Section 307 IPC and under Sections 24/25/59 of the Arms Act have been alleged in the FIR, but no actual injury to any person was caused. It is submitted that the FIR was registered against unknown persons and the implication of the petitioner in the present case is nothing but an abuse of process. He submits that the petitioner is in custody since 9.1.2021, i.e. for more than six months, and as only charges have been framed, it

would take long for the trial to conclude. In any case, he submits that the main accused (Mohammad Noushad), has since been released on bail by this Court, vide order dated July 5, 2021 passed in CRM-M-24491-2021, and the case of the petitioner is at par with the co-accused.

On being pointedly asked, learned State counsel submits that the role attributed to the petitioner is identical as is to the co-accused (Mohammad Noushad), who has since been released on bail by this Court.

For the co-accused has already been released on bail and none of the prosecution witnesses has been examined, and owing to the prevalent pandemic (COVID-19), there is a remote possibility of the trial being concluded in the immediate future.

Accordingly, the petition is allowed and the petitioner is ordered to be enlarged on bail subject to furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Needless to assert that this order or any observation made hereinabove shall not constitute any expression of opinion on the merits of the case.

(ARUN PALLI)
JUDGE

August 09, 2021

AK Sharma

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No