

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

**CRM-M-35750-2020
Date of Decision : 16.11.2021**

Aamir Petitioner
Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. Kamal Deep Sehra, Advocate
for the complainant.

DEEPAK SIBAL (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0148 dated 20.07.2019 registered under sections 148, 149, 323, 342, 506, 307, 302 of the Indian Penal Code at Police Station Rozka Meo District Nuh.

The petitioner is being prosecuted for being a member of an unlawful assembly which caused Naveen's murder.

Learned counsel for the petitioner submits that the petitioner, who is a 23 year old young man has been falsely implicated in this case; the petitioner has no other criminal case pending against him; in the FIR there is no allegation qua the petitioner to have caused any injury to the deceased;

the only allegation against the petitioner is of having caused an injury on a witness namely Smt. Prem; even if the case of the prosecution with regard to the petitioner having inflicted an injury on the person of Smt. Prem is accepted as the gospel truth, though denied, such injury has been declared to be simple in nature; the petitioner is in custody for the last over 02 years and 02 months; all the material witnesses have since been examined before the trial Court and that since 14 prosecution witnesses still remain to be examined, the petitioner's trial will take long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was a member of an unlawful assembly which murdered Naveen.

Whether the petitioner was a member of an unlawful assembly which caused the death of Naveen would be debated during the course of the petitioner's trial. However, the petitioner is a 23 year old young man; he does not face any other criminal case; he is in custody since 29.07.2019; all the material prosecution witnesses in the petitioner's trial already stand examined before the trial Court and therefore, the petitioner is not in a position to influence them; the petitioner is not attributed any injury on the person of the deceased; he is alleged to have inflicted a simple injury on a witness-Smt.Prem and that the petitioner's trial in which 14 prosecution witnesses still remain to be examined, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Nuh, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the

same would not be construed to be an expression of opinion on the merits of the case.

16.11.2021

mamta

(DEEPAK SIBAL)

JUDGE

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