

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

217

CRM-M-1668-2022 (O&M)

Date of Decision: 26.05.2022

JUNED

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Manish Soni, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Ms. Rosi, Advocate
for respondent No-2/complainant.

HARNARESH SINGH GILL, J.(Oral)

CRM-10616-2022

This is an application for impleading Abdul Raseed-complainant as respondent No.2 in the present petition.

Notice in the application.

On the asking of this Court, Mr. Surender Singh, AAG, Haryana and Mr. Manish Soni, Advocate for the petitioner, accept notice and submit that they have no objection if the present application is allowed.

In view of the above, the application is allowed and Abdul Raseed/complainant is hereby ordered to be impleaded as respondent No.2 in the present petition.

Amended memo of parties is taken on record.

Registry is directed to place the same at an appropriate place.

CRM-M-1668-2022 (O&M)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.319 dated 05.12.2019, registered under Sections 147, 148, 149, 302, 202, 212 IPC and Section 25 of the Arms Act, at Police Station Pinangwan, District Nuh.

Learned counsel for the petitioner submits that on 04.05.2020, the petitioner got recorded his statement stating therein that on the date of the alleged occurrence, he was present at the spot with a baton in his hand and to stop the other members from fighting and that the petitioner has been in custody since 04.05.2020. He further submits that three gun shots, on the person of the deceased, were fired by Jahul, Usmaan and Azad @ Kala.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel assisted by learned counsel for complainant/respondent No.2 does not dispute the custody period of the petitioner. He, however, submits that the petitioner, being a member of an unlawful assembly, had actively participated in the occurrence and that, in a video clip, the petitioner is seen present at the spot with a baton in his hand. He further submits that there were as many as seven injuries on the person of the deceased and post farming of the charges, prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 04.05.2020. No injury has been attributed to the petitioner. The only allegation against the petitioner is that he was the member of an unlawful assembly and was standing at the place of occurrence with a baton in his hand. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

26.05.2022

Aman Jain

(HARNARESH SINGH GILL)**JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*