

CRM-M-17348-2022

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

CRM-M-17348-2022

Date of decision: 31.05.2022

Raffi @ Rafiq @ Rafik

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Saifuddin Shams, Advocate and
Mr. T.P.S.Bawa, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Ms. Rosi, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.319 dated 05.12.2019, registered at Police Station Pinangwan, District Nuh, under Sections 148, 149 and 302 IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner contends that allegation against the petitioner is that he was the member of an unlawful assembly, but at any stage, no injury on the person of the deceased, has been attributed to him, and that he has been in custody since 26.02.2020. Moreover, co-accused, namely, Juned has since been granted the concession of regular bail by this Court, vide order dated 26.05.2022 passed in CRM-M-1668-2022.

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On the other hand, learned State counsel, assisted by the learned counsel for the complainant, submits that the petitioner being a member of the unlawful assembly, actively participated in the occurrence wherein Fajal had succumbed to the injuries received at the hands of the accused. There is no other case registered or pending against the petitioner.

I have heard the learned counsel for the parties.

As per the prosecution version, although the petitioner was a member of the unlawful assembly, yet no specific injury on the person of the deceased, has been attributed to him.

Charges have been framed. The petitioner has been in custody since 26.02.2020. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. As stated above, the co-accused stand enlarged on bail by this Court. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, 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 and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

31.05.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No