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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-15686-2022 in/and
CRM-M-33450-2021 (O&M)
Date of Decision:04.05.2022

Usman @ Chakotra

.. Applicant/Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sanchit Punia, Advocate for applicant-petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

CRM-15686-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-33450-2021 (O&M)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.320 dated 27.12.2017, under Sections 302, 307, 380, 382, 392, 393, 397, 458, 459, 460, 120-B, 34 IPC, 1860 and Section 25 Arms Act, 1959, registered at Police Station, Uklana, District Hisar. The petitioner is in custody since his arrest on

07.01.2018.

As per the allegations in the FIR, the occurrence took place on 27.12.2017 at around 2.45/3.00 AM when a noise was heard and it was noticed that the cattle is being loaded in a pick up van in front of house of Dalip. As per the prosecution, the complainant has given the particulars of three assailants, who were present at the spot and were loading the buffaloes belonging to the complainant in the pick up van. Inderpal (now deceased) had made an attempt to get free the buffalos from the assailants, but in reaction a gun shot was fired by one of the three assailants, causing his death.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case, as the names of the assailants were not given in the FIR, however, during investigation, in all five accused, namely, Ehsaan, Afzal, Farman, Usman and Faizan were implicated as accused. He submits that as per prosecution, the victim died of gun shot injury, which was fired by co-accused Farman. He has further argued that co-accused of the petitioner, namely, Faijan @ Innam, Ehsan and Afzal have already been released on regular bail by this Court vide order dated 05.07.2021 and 26.11.2018 (Annexures A-1 and A-2) respectively and the case of the petitioner is also at par with Faijan alias Innam. He states that the charges have been framed and only eight prosecution witnesses have been examined out of total thirty eight prosecution witnesses. He prays for bail.

On the other hand, learned State counsel assisted by IO Mall Singh, does not dispute the above stand of the petitioner that the case of the petitioner is at par with co-accused Faijan @ Innam, who has already been released on bail. He, on instructions, states that charges have been framed

on 02.07.2018, but only eight prosecution witnesses have been examined out of total thirty eight prosecution witnesses. It is pointed out that the case is now coming up for recording the prosecution witnesses before the trial Court on 31.05.2022.

After hearing the learned counsel for the parties, this Court finds that though the charges were framed on 02.07.2018, but only eight prosecution witnesses have been examined out of total thirty eight prosecution witnesses, therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the co-accused of the petitioner have been released on regular bail, thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

04.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No