

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

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CRM-M-52252-2021
Date of Decision : 09.03.2022

ARSHAD

...Petitioner

versus

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Afzal Hussain, Advocate
for the petitioner.

Ms. Dimple Jain, Assistant Advocate General, Haryana.

AVNEESH JHINGAN, J. (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 of the Code of Criminal Procedure is filed seeking regular bail in FIR No.126 dated 27.04.2020 under Sections 302, 188, 34 of IPC and Section 25/54 of Arms Act, 1959, registered at Police Station Punhana, District Nuh.

On 27.04.2020, Police had received the information that Nadeem son of Nasruddin was murdered. Police reached the spot where they came to know that Nadeem was taken to Civil Hospital. The uncle of the deceased got registered the complaint against Arshad, Irfan, Jamaluddin, Aamir, Mubeen and Umar. As per the complainant on 27.04.2020, Nadeem (deceased) was working on a meat shop where Arshad (petitioner) gave a knife blow to deceased.

Counsel for the petitioner submits that petitioner is in custody

since 28.04.2020. Further contention is that two witnesses PW-1 and PW-2 have turned hostile. There was no blood on the knife recovered from the petitioner.

Learned State counsel opposes the prayer relying upon the pleadings of the reply filed. She submits that the weapon used in the incident was recovered from the petitioner. As per the post-mortem report, the cause of death was the stab injury. She further submits that apart from the two prosecution witnesses who allegedly turned hostile, prosecution evidence is yet to be concluded. She informs the Court that out of ten prosecution witnesses, five have been examined and prosecution is making an earnest effort to conclude the prosecution evidence at the earliest.

Without commenting upon the merits of the case, considering the nature of allegations and the role attributed to the petitioner, as also the fact that trial is proceeding at decent pace, inspite of Covid-19 restrictions, no case is made out for grant of bail.

Dismissed.

9th March 2022
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(AVNEESH JHINGAN)
JUDGE

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