

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-9123-2021 (O&M)

Date of Decision: 24.2.2023

Mustafa

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. G.C.Shahpuri, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.184 dated 3.11.2019 registered for the offences punishable under Sections 307, 380, 457, 511, 34 IPC and Section 25 of Arms Act at Police Station Ismailabad, District Kurukshetra.

Counsel for the petitioner contends that the petitioner was falsely named as accused in the present case on the basis of the alleged disclosure made by co-accused Najim and consequently, the petitioner was arrested and is in custody since 11.6.2020. He further submits that there are no specific allegations against the petitioner while as per prosecution version, it was co-accused Najim who caused firearm injuries to Baljeet. He further submits that Najim has been granted regular bail vide order dated 24.5.2022. He further submits that during the investigation, no

incriminating article was recovered from the possession of the petitioner and the trial has commenced but it will take considerable time for the trial to conclude. He further submits that in all other cases faced by the petitioner, he has been enlarged on bail. So, prayer is made that the petitioner be released on bail.

Present petition is opposed by the State counsel. She, however, on instructions from ASI Balkar Singh has not disputed the fact that the petitioner was not named in the FIR and his name surfaced in the disclosure statement made by co-accused Najim who caused fire arm injury to Baljeet. She has further not disputed the fact that co-accused Najim is enlarged on bail vide order dated 24.5.2022 and that no weapon was recovered at the instance of the petitioner and that trial is going on but still, 8 witnesses remain to be examined on behalf of the prosecution.

I have considered the submissions made by the counsel for the parties.

Admittedly, FIR in this case was registered against unknown persons and the petitioner was arraigned as accused on the basis of the disclosure made by co-accused Najim who is stated to have caused firearm injuries to Baljeet. Admittedly, co-accused Najim has been granted concession of regular bail. The petitioner is in custody since 11.6.2020 and no incriminating article was recovered from his possession and it will take time for the trial to terminate. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to

the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

February 24, 2023
Paritosh Kumar

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