

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

**CRM-M-10971-2023
DECIDED ON: 10.03.2023**

MUBBI ALIAS MUBARIK

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for grant of regular bail in case FIR No.460, dated 04.05.2016 (Annexure P-1), under Sections 346, 387, 395, 420, 506(2) IPC and Section 25/54/59 of the Arms Act, registered at Police Station Sadar Gurugram, District Gurugram.

Learned counsel for the petitioner contends that on the date of occurrence, the petitioner was working as a labourer in the village and has no connection with the alleged offence, who has been roped in merely on the basis of disclosure statement made by the co-accused. He further submits that no identification parade was got conducted in the present case and nothing was to be recovered from the petitioner. He has also argued that the co-accused namely Irfan, who is similarly situated with the present petitioner, has been granted the concession of interim bail by this Court vide order dated 09.02.2023, passed in CRM-M-1025-2023.

Learned State counsel has produced the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 7 months and 7 days and he is involved in three more cases.

Looking into the totality of facts and circumstances and also the fact that the co-accused namely Irfan has been granted the concession of interim bail by this Court, therefore, no fruitful purpose would be served to keeping the petitioner behind the bars any further.

The petitioner is, therefore, directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, it is made clear that the observations made hereinabove shall have no bearings on the merits of the trial.

(SANDEEP MOUDGIL)
JUDGE

10.03.2023
Sham/Poonam Negi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>