

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-14780-2023

Date of Decision: 6.11.2023

Wahid

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rakesh Gupta, Advocate for
Mr. Narender Pal, Advocate,
for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana

KARAMJIT SINGH, J.

Prayer in this 2nd petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.170 dated 1.4.2016 registered for the offences punishable under Sections 148, 149, 201, 323, 324, 384, 307, 302, 506 IPC and Section 25 of Arms Act at Police Station Punhana, District Nuh.

2. Case of the prosecution in brief is that 43 persons named in the FIR accompanied by another 10-15 unidentified persons attacked the complainant and other persons and the present petitioner caused gun shot injury on the hand of complainant-Sadam while main accused Junaid caused fatal gun shot injury to Jakir. During investigation, the petitioner was arrested on 21.10.2021.

3. Counsel for the petitioner, *inter alia* submits that the petitioner has been falsely implicated in the present case and is in custody for the last

more than 1 year and 9 months and is enlarged on bail in all the other criminal cases faced by him and that it will take considerable time for the trial to conclude. He further submits that no fatal injury is attributed to the petitioner who is alleged to be armed with gun and the only injury attributed to the petitioner is gun shot which hit on the hand of the complainant. He further contends that main accused Junaid is already granted regular bail. So, prayer is made that the petitioner be also released on regular bail.

4. Present petition is resisted by the State counsel who on instructions from SI Devi Singh submits that the petitioner was member of unlawful assembly and was armed with gun and he caused gun shot injury which hit on the hand of the complainant Saddam. State counsel further submits that the petitioner was arrested on 21.10.2021 and gun used in the commission of the crime was recovered from his possession. However, the State counsel has not disputed the fact that other co-accused including Junaid are already enlarged on bail.

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

6. Admittedly, no fatal injury is attributed to the petitioner. It is a matter of evidence as to whether the petitioner could be held liable for the death of Jakir with the aid of Section 149 of IPC. It will take considerable time for the trial to conclude and other co-accused including Junaid are already enlarged on bail. Thus, no useful purpose is going to be served by detaining the petitioner in custody for any further period.

7. 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

November 6, 2023

Paritosh Kumar

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