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2023:PHHC:076010

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25666-2023
DECIDED ON: 25th MAY, 2023

INAM

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

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

Mr. Gurbir Singh Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. 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.

2. 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 placed upon the reliance of the order dated 10.03.2023, passed in CRM-M-10971-2023 whereby, the co-accused namely Mubbi @ Mubarik of the petitioner, who is similarly situated with him, has been

granted the concession of regular bail.

3. 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 4 months and 3 days. He opposes the prayer made in the present petition on the ground that the petitioner has been declared proclaimed offender and FIR No. 1151, dated 03.08.2022, under Section 174-A IPC has already been registered against him at Police Station Shivaji Nagar, Gurugram but could not controvert the fact that he is on bail in that case.
4. Considering the fact that the co-accused namely Mubbi @ Mubarik has been granted the concession of regular bail by this Court added with the fact that the investigation is complete and nothing is to be recovered from the possession of the petitioner, this Court is of the considered view that 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 learned trial Court/Duty Magistrate, concerned.
5. The present petition is, hereby, allowed.
6. However, it is made clear that the observations made hereinabove shall have no bearings on the merits of the trial.

25th MAY, 2023
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(SANDEEP MOUDGIL)
JUDGE

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