

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

CRM-M-55258-2023

Date of Decision:14.11.2023

Tassvar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

Ms. Prathna Duggal, Advocate.

N.S.Shekhawat J. (Oral)

Ms. Prathna Duggal, Advocate has put in appearance on behalf of complainant by filing her Vakalatnama, which is taken on record.

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 417 dated 22.08.2023, registered under Sections 148,149,323,307,427 and 120-B of IPC and Section 25 of the Arms Act, Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

2. The FIR in the present case was registered on the basis of the statement made by Shahrukh Ali, who alleged that at about 06:00 PM on 22.08.2023, Irshaad got their car stopped by making a signal. When they alighted from the car, Mosim, Irshad, Aadil @ Vasid, Inam, Harun, Naushad, Riyasat Ali, Ashique Ali and Soud, who are also present at some distance on

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their motorcycles and cars make “Swift” came there and attacked them. Mosin fired from the pistol at Irshad and he had suffered certain injuries. Mosin and his companions had caused injuries to his brother Amir Khan also.

With these main allegations, the FIR in the present case was registered.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR nor there is no any averment in the FIR, which connects the petitioner with the commission of the alleged crime. He further contends that the name of the petitioner had surfaced in the disclosure statement suffered by Anil and evidentiary value of the disclosure statement is yet to be checked by the Trial Court. He further contends that no injury has been attributed to the petitioner either by the complainant or any other witness in the present case. The petitioner was arrested in the present case on 13.09.2023 and is in custody for the last more than two months. The petitioner is a first offender and deserve the concession of bail.

4. On the other hand learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer on the ground that the petitioner was leading the group, which had opened murderous assault on the complainant and his companions. It is further contended that the petitioner is visible in the CCTV footage, which is available on record and the petitioner does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and perused the record.

6. This Court is of the considered opinion that the petitioner deserves to be enlarged on bail. The petitioner was not initially named in the FIR and has been named by the co-accused in his disclosure statement. Even otherwise, no

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specific injury has been attributed to the present petitioner and he is continuing in the custody for the last two months. Even co-accused Irshad has been granted the concession of regular bail, whereas co-accused Naushad has been granted the concession of interim anticipatory bail by this Court.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

14.11.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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