

[246] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3768-2024
Date of Decision : 30.01.2024

Mujammil ...Petitioner
versus
State of HaryanaRespondent

Coram : HON’BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr. Talim Hussain, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

[1] The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.0260, dated 01.08.2023 under Sections 148, 149, 332, 353, 186, 307, 435 (Section 427 and 120-B of IPC added later on), Sections 25, 54 and 59 of the Arms Act, 1959 and Section 4 of the Prevention of Damage to Public Property Act, 1984, at Police Station City Nuh, District Nuh.

[2] As per prosecution allegations, on 31.07.2023, Constable Ramendra was posted as Driver on an official vehicle allotted to Woman ERV Durga Sakti. At about 1:45 PM, he along with other officials were on patrolling and crime checking duty present at Village Malab Polytechnic College when a crowd belonging to a particular community came at Village Malab side and on seeing the crowd, the police party proceeded towards City Nuh. As they reached near Old Bus Stand, Nuh, 700-800 people reached there and surrounded the police officials. The mob started pelting stones and firing shots on their vehicles. In the said occurrence, the glasses of their vehicle were damaged and one of the stone hit right shoulder and another on

[3] Learned counsel contends that petitioner is not named in the FIR; that his name has surfaced in the disclosure statement of co-accused. Learned counsel further submits that numerous co-accused, namely Sarfuddin, Shahrukh, Mosim, Samir @ Akka, Zeeshan, Akbar Ali, Nafish etc. had already been allowed bail by the Court of Sessions by way of the orders (Annexures P-2 to P-6). Learned counsel also contends that the petitioner is in custody since 14.08.2023 and that trial is likely to take time to conclude.

[4] Notice of motion.

[5] Mr. Sumit Jain, learned Addl. AG, Haryana, accepts notice on behalf of the respondent-State.

[6] Learned State Counsel concedes the fact that the petitioner is not named in the FIR and that his name has surfaced only in the disclosure statement of co-accused.

[7] Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

30.01.2024
'Rajneesh'