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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision:30.09.2024

(i) CRM-39105-2024 in/and
CRM-M-45977-2024

Wakeel ...Petitioner
vs.
State of Haryana ...Respondent

(ii) CRM-M-48116-2024

Aadil ...Petitioner
vs.
State of Haryana ...Respondent

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

Present : Mr. Sarfraj Hussain, Advocate,
for the petitioner (in both petitions).
Ms. Sheenu Sura, DAG, Haryana.
Mr. Vinay Kumar Pandey, Advocate, for the complainant.

N.S.Shekhawat J.(oral)

CRM-39105-2024 in CRM-M-45977-2024

1. Application is allowed as prayed for, subject to just exceptions.
Annexures P-2 to P-4 are taken on record.

Main cases:

1. This order shall dispose of above-said two petitions i.e. CRM-M-45977-2024, titled as Wakeel Vs. State of Haryana and CRM-M-48116-2024 titled as Aadil Vs. State of Haryana, whereby the petitioners have prayed for grant of regular bail to them in case FIR No.60 dated 12.04.2024 registered under Sections 148, 149, 323, 506, 307, 427 of IPC and Sections 25, 54, 59 of



Arms Act, at Police Station Pinangwan, District Nuh.

2. Learned counsel for the petitioners contends that the only role attributed to both the petitioners is that they had fired from the illegal weapons from the roof of their house. However, during the course of investigation, it was found that no person had received any gunshot injury, which falsifies the version of the prosecution. Learned counsel further contends that out of 15 accused, 8 accused have been found to be innocent, which further proves that the complainant had tried to involve innocent persons. He further contends that co-accused Munfed, Jamshed, Mohabbat, Rizwan and Samaydeen have already been granted the concession of regular bail by the trial Court. As per learned counsel for the petitioners, the petitioners are in custody since 12.04.2024 and after completion of the investigation, challan has already been presented against the petitioners.

3. On the other hand, learned State counsel, assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioners on the ground that the petitioners are specifically named in the FIR and had fired indiscriminately from their illegal weapons. Learned State counsel further submits that one more criminal case was registered against Aadil, petitioner. However, she admits that no injured had suffered any injury by the use of fire armed and all injuries suffered by pre-injured namely, Mujaid, Khalid and Moojuda had suffered only simple injuries.

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

5. Both the petitioners are in custody for the last more than 05 months and after completion of the investigation, challan has already been presented



before the Court. Moreover, no prosecution witness has been examined so far and the conclusion of the trial may take quite a long time. Apart from that, other co-accused, namely, Munfed, Jamshed, Mohabbat, Rizwan and Samaydeen have already been granted the concession of regular bail by the trial Court.

6. Thus, without commenting on the merits of the case, both the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them to disclose such facts to the Court or to any other authority.
- (ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioners shall surrender their passport, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.
- (v) The petitioners shall also file their affidavit before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the



pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioners involve in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.

30.09.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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