

**IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL**

ORIGINAL JURISDICTION

Dated : Nainital the 30th June, 2014

Third Bail Application No.9 of 2014
Order on the bail application of accused

CRIMINAL SIDE

Tazammul Hasan

... Applicant

versus

State of Uttarakhand

... Respondent

Mrs. Pushpa Joshi, Senior Advocate assisted by Mr. Saurav Adhikari and Mr. Amit Kapri, Advocates for the applicant.
Mr. Masroor Ahmad Khan, Deputy Advocate General for the State.

U.C. Dhyani, J. (Oral)

The applicant seeks bail in connection with Case Crime no.469 of 2012, under Sections 147, 148, 149, 506, 302, 307 of IPC., P.S. Manglore, District Haridwar.

Heard learned counsel for the parties, considered the grounds taken in the bail application and perused the documents on record.

The prosecution story is that on 01.12.2012 deceased Farooq and injured Jabbar were participating in the marriage of son of Salim at Manglore; accused Kamil and Shahbul had some quarrel with Farooq and left the place saying they would see Farooq; thereafter Kamil, Shahbul, Qamar Alam, present applicant Tazammul Hasan and Nafisul Hasan @ Guddu came on the spot together with common object to kill Farooq in the marriage party of son of Saleem in the presence of many a people at about 01:15

p.m.; Qamar Alam fired upon Farooq, Farooq fell down, injured Jabbar tried to save Farooq, Jabbar was also shot at and thereafter all the five accused left the place of occurrence together; while Farooq died due to firearm injuries, Jabbar received firearm injuries.

The role assigned to the present applicant is that of exhortation. It was accused Nafisul, who shot fire on the victim and killed him. Co-accused Shahbul Hasan was granted bail by this Court, *vide* order dated 28.1.2014. Further proceedings of Sessions Trial No. 186/13 captioned as State vs. Qamar Alam and others pending in the court of Sessions Judge, Haridwar were stayed, *vide* order dated 2.1.2014 of this court. Present applicant has no previous criminal history and is in jail since December, 2012.

Considering the facts and attenuating circumstances, a case of bail is made out in favour of the present applicant.

The bail application is allowed. Let the accused-applicant be released on bail on his executing a personal bond and furnishing two sureties, each of the like amount to the satisfaction of the C.J.M., Haridwar.

(U. C. Dhyani, J.)

Dated 30th June, 2014

Rawat