

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

**CRM-M No.36934 of 2015 (O&M)
Date of Decision: 16.11.2015**

Khadim and another

..... Petitioners

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Altaf Hussain, Advocate for the petitioners.

Mr. M.S.Sidhu, Additional Advocate General, Haryana
for the respondent along with H.C. Rohtash.

Mr. Amit Jain, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail on behalf of petitioner/accused-Khadim and his father Jan Mohd. in case FIR No.471 dated 03.09.2015, under Sections 148, 149, 323, 452, 307, 302 of the Indian Penal Code and Section 25/54/59 of the Arms Act, registered with Police Station Punhana, District Mewat, Haryana.

Petitioner No.1/accused-Khadim is brother of the Ex.Sarpanch/accused-Talib and petitioner No.2/accused-Jan Mohd. is their father.

The dispute between the group aligned to the Sarpanch-Talib and his opponent Usmaan, Ex. Sarpanch erupted at the time of finalization of preparation of a Voter List for the ensuing elections of Gram Panchayat. The accused group is alleged to have thrown stones at the other group and the main accused Talib is alleged to have fired shots from a country made pistol. The pelting of stones has

resulted into injuries to some and also alleged to have caused death of one Manisha on account of injuries sustained by her. The gun shot in the air has resulted into the death of Imtaj studying on the roof top of the adjacent house.

Learned Counsel for the petitioners/accused contends that the petitioners are in custody since 03.09.2015 apart from the fact that a false case on account of a political rivalry has been foisted on the relatives of the main accused Talib.

Learned State Counsel, on instructions from HC Rohtash, submits that out of 19 named accused and 07 other accused nominated during investigation, 16 have since been arrested including the present 02 petitioners. He does not dispute the custody period. He also concedes that the investigation qua the petitioners is over.

Without commenting upon the merits of the case, keeping in view the facts as noticed above, this Court finds that petitioners/accused deserve the concession of regular bail and as such they are ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Mewat.

Disposed of.

November 16, 2015

Gagan

**(JASWANT SINGH)
JUDGE**