

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-3051 of 2016 (O&M)

Date of Decision: 12.04.2016

Khurshid

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. D.S. Matya, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G., Haryana.

Mohd. Arshad, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.258 dated 19.7.2015 under sections 148, 149, 323, 325, 307, 395, 397, 452, 506 I.P.C and sections 25, 54, 59 of Arms Act, registered at Police Station, Tauru, District Mewat.

Learned counsel for the parties have been heard.

F.I.R in question was registered on the statement of injured Azaruddin. Occurrence is stated to be of 18.7.2015.

As per version of the complainant, a number of persons had entered his residential premises and had assaulted him. As many as 44 assailants have been specifically mentioned. That apart, one Jasrath, co-accused is stated to have fired with a intention to kill with a gun but such gun shot had hit him in the foot. Aasim was also stated to have been armed with a rifle and who fired a shot which missed the complainant. Aasifa daughter of Jasrath is stated to have attacked with an iron rod on the head.

Kaadir son of Hanif has also given a blow on the head with a lathi. Mubarik

@ Fateh Mohammad has also given a lathi blow on the left hand. Thereafter, all the accused alleged to have committed a robbery and taken away a sum of Rs.12.5 lacs, gold jewellery of 1 kg, silver jewellery and other valuable articles.

The present petitioner was not even named in the F.I.R. He is sought to be implicated on the basis of a subsequent statements recorded of Fakruddin and Iqbal. Both the statements have been read out in Court and even as per such statements the present petitioner was stated to be seen entering the house but no specific role/injury has been attributed.

Curiously, the complainant in his statement has spelt as many as 44 assailants. Specific roles with regard to gun shot injuries as also having been attacked by iron rods and lathi have been attributed to separate co-accused. It seems highly improbable that the complainant/injured would not have named the present petitioner had he been there at the spot.

Under such circumstances, false implication of the petitioner cannot be ruled out.

In an overview of the matter and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Mewat.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

12.04.2016
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