

**Sr. No. 213
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M- 31247 of 2015
Date of Decision: 27.01.2016**

Majid

...Petitioner

Versus

State of Haryana

... Respondent

CRM No. M-37150 of 2015

Zafruddin

...Petitioner

Vs.

State of Haryana

... Respondent

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

Present:- Mr. Balraj Gujjar, Advocate,
for the petitioner in CRM No. M-31247 of 2015

Mr. Chanderhas Yadav, Advocate and
Mr. Gautam Dutt, Advocate,
for the petitioner in CRM No. M-37150 of 2015.

Mr. Vivek Saini, DAG, Haryana.

Mr. Rajesh Lamba, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of CRM No. M-31247 of 2015 and CRM No. M-37150 of 2015 as the prayer by the petitioners in both these connected petitions filed under Section 439 Cr.P.C. is for grant of bail pending trial in case FIR No.43 dated 10.03.2015 under Sections 148/149/323/324/325/427/436/452/395/397/506 of Indian Penal Code, Section 316 of IPC added later on, registered at Police Station Nagina, District Mewat.

Counsel for the parties have been heard.

Perusal of the FIR would reveal that nephew of the complainant Mohammed Anish had entered into matrimony with Rijwana without consent of the elders and had even moved a petition seeking protection of life and liberty before this Court and which was allowed on 09.01.2015. Both Mohammed Anish and Rijwana were thereafter stated to be staying in a protection home at Nuh. Apparently, since it was a marriage between two members of the same community, a Panchayat was stated to have been convened in which the complainant Wali Mohammed had executed an agreement in favour of Ahmad and had deposited Rs.3 lac with one Mubin as security as also entered into an agreement pertaining to land on the condition that the couple would come back to the village and upon their refusal the security amount etc. would be handed back. It so transpires that the couple having refused to return back to the village, an occurrence is stated to have taken place on 09.03.2015 wherein allegedly about 120 people armed with lathis, dandas, farshas, stones etc. attacked the house of the complainant party and such mob is stated to have committed dacoity and taken away silver and gold ornaments as well.

Insofar as Mazid i.e. petitioner in CRM No. M-31247 of 2015 is concerned even though his name finds mention in the FIR yet no direct role/overt act has been attributed. As far as Zafruddin i.e. petitioner in CRM No. M-37150 of 2015, counsel appearing for the complainant would contend that injury upon the person Deenu had been attributed. However, it has been fairly stated that such

injury has been opined to be simple in nature.

It also stands uncontroverted that one Hussain, member of the complainant party has suffered a grievous injury which is not, in any case, attributed to the present petitioners in these two connected petitions.

Mazid is stated to be in custody since 06.04.2015 and Zafruddin is in custody since 10.03.2015.

It would be pertinent to mention that on the previous date of hearing i.e. 21.12.2015, submission made by counsel for the complainant as well as State was noticed that there was a rivalry between two communities in the area and as such there might be a danger of law and order situation developing. Accordingly, Superintendent of Police, Mewat was directed to file a situation report and even report of the learned District and Sessions Judge, Mewat was sought.

In compliance of the order dated 21.12.2015, an affidavit dated 04.01.2016 of Assistant Superintendent of Police, Mewat at Nuh has been filed and placed on record. Perusal thereof would reveal that situation initially was tense in the concerned area and accordingly two companies of Haryana Armed Police were deployed. However, with the passage of time, the situation has improved gradually but by way of abundant caution police patrolling is being conducted in the village during day time as well as during the night.

Even a report dated 05.01.2016 of the learned District Sessions Judge, Mewat is placed on record and a perusal thereof would reveal that it has been opined that apparently there are no

circumstances which could possibly lead to a law and order problem and trial in the case is underway.

Investigation in the case is already complete and the challan has been presented. The matter has already been committed to the Court of Sessions.

In view of the above and coupled with length of incarceration already suffered by the petitioners, they are held entitled to the benefit of bail. Petitions are allowed. Petitioners be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Nuh.

Registry is directed to return the Lower Court Records immediately.

Disposed of.

27.01.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**