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

CRM-M-4476-2016.

Date of Decision: 29.02.2016

MOHAMMAD BAHID @ SANDEEP TRILLIANWALA HAPPY

.....Petitioner

Vs

STATE OF Punjab

.....Respondent

And

CRM-M-4477-2016.

Date of Decision: 29.02.2016

ANURAG SHARMA @ HAPPY

.....Petitioner

Vs

STATE OF PUNJAB.

.....Respondent

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

Present: Mr.Ajay Saini, Advocate,
for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

TEJINDER SINGH DHINDSA, J.(Oral)

This order shall dispose of two petitions i.e. CRM-M No.4476 of 2016 (Mohammad Bahid Vs. State of Punjab) and CRM-M No.4477 of 2016 (Anurag Sharma @ Happy Vs. State of Punjab) as both these connected petitions have been preferred under Section 439 seeking benefit of regular bail to the petitioners in FIR No. 168 dated 24.10.2015 filed under Sections 323, 341, 148, 149, 325, 308 IPC registered at Police Station Maqsudan, Jalandhar, District Jalandhar.

Learned counsel for the parties have been heard at

FIR came to be registered on the statement of Ajit Kumar in relation to an alleged occurrence dated 23.10.2015. The complainant has alleged that he was assaulted by Happy i.e. the petitioner in CRM-M-4477-2016 and co-accused Prince as also four other unidentified persons.

In so far as Happy is concerned, the specific and overt act attributed to him is of having given an iron rod blow on the back side of the head of the complainant. The complainant had also alleged that unidentified persons had attacked with iron pipe which hit him on the right eye.

In so far as the role attributed to Happy i.e. the petitioner in CRM-M-4477-2016 is concerned, the same does not find any corroboration from the MLR of Ajit Kumar-complainant that has been produced in Court today. The MLR would reflect that there is no injury suffered by complainant on the back side of his head. Rather it is the injury on the right eye brow i.e. the injury No. 1 which has been opined to be dangerous to life and thereafter attracted to offence under Section 308 IPC.

In so far as the petitioner in CRM-M-4476-2016 i.e. Mohammad Bahid is concerned, his name was not mentioned by the complainant but is sought to be implicated as one amongst four unidentified persons on the basis of a disclosure statement suffered by co-accused Prince.

It has gone uncontroverted that even as per disclosure statement of Prince it is not the present petitioner who had struck the iron pipe blow which hit the complainant on his right eye.

Both the petitioners in these connected petitions have been in custody since 26.12.2015. Investigation in the case is complete and challan has been presented on 18.02.2016. Charges are yet to be framed. Trial is at the very initial stage and will take time to conclude.

In view of the above and without making any observations on merit, prayer made in both these petitions is accepted. Both the petitioners are directed to be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

Disposed of.

**[TEJINDER SINGH DHINDSA]
JUDGE**

February 29, 2016
Suresh Kumar