

**Sr. No. 227
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-5204 of 2016 (O&M)

Date of Decision: 17.03.2016

Akhtari

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

Mr. Mohammad Arshad, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner in case FIR No.258 dated 18.07.2015, under Sections 148, 149, 323, 452, 307, 506, 395, 397, 440 of Indian Penal Code and Sections 25/54/59 of Arms Act, registered at Police Station Tauru, District Mewat.

Counsel for the parties have been heard.

FIR in question was registered on the statement of injured Azaruddin. Occurrence is stated to be of 18.07.2015.

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 an 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.

Even though the present petitioner has been named in the FIR and was alleged to be carrying a gid/stone yet no direct and overt act/injury has been attributed to her.

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 attributed a particular injury or role to the present petitioner.

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

Petitioner has been in custody since 24.07.2015.

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 Chief Judicial Magistrate/Duty Magistrate, Mewat.

Petition disposed of.

17.03.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**