

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5969 of 2016 (O&M)

Date of Decision: 25.02.2016

Talim & another

--Petitioners

Versus

State of Haryana

--Respondent

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

Present:- Mr. Chanderhas Yadav, Advocate for the petitioners.

Mr. Deepak K. Grewal, D.A.G., Haryana.

Mr. Saleem Ahmed, 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 petitioners in case F.I.R. No.43 dated 10.3.2015 under sections 148, 149, 323, 324, 325, 326, 427, 436, 452, 395, 397, 506, 316 I.P.C registered at Police Station, Nagina, District Mewat.

Learned 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.

The accusation against petitioner no.1 Talim is that he had taken away ornaments weighing approximately 3 kgs and the same have not yet been recovered. In so far as petitioner no.2 is concerned, even though, his name is mentioned in the F.I.R but no direct role/overt act has been attributed.

It has also gone uncontroverted that one Hussain member of the complainant party had suffered a grievous injury and which is not attributed to the present petitioners.

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

Both the petitioners are in custody since 10.3.2015.

In view of the above and coupled with the length of incarceration already suffered by the petitioners, they are held entitled to the benefit of bail. Accordingly, present petition is allowed.

Petitioners be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Mewat.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.02.2016

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