

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-8212 of 2016 (O&M)

Date of Decision: 11.03.2016

Alauddin @ Allu

...Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Deepanshu Matya, Advocate,
for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

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, 325, 307, 395, 397, 452, 506 of Indian Penal Code and Section 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.

Petitioner was arrested on 21.08.2015.

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.

The present petitioner even though named in the FIR but no direct/overt act has been attributed by the complainant Azaruddin. Petitioner, however, is sought to be implicated on the statement recorded by another injured, namely, Aasif son of Azmad under Section 161 Cr.P.C. dated 18.08.2015. Such statement by Aasif has been read in Court by learned State counsel who is on instructions from PSI Anil Kumar.

Even as per such statement, the role attributed to the present petitioner is of having inflicted an iron rod blow on the left ankle of Aasif. It has been conceded by learned State counsel that such injury has been opined to be simple in nature.

It has also gone uncontroverted that co-accused, namely, Sehjor Khan, Aimna and Warisa have been granted the benefit of regular bail by this Court.

In view of the above and without making any observations on merit, present petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty

Magistrate, Mewat.

Disposed of.

11.03.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE