

Sr. No. 226

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

**CRM No. M- 9420 of 2016 (O&M)
Date of Decision: 31.03.2016**

Shakeel

..Petitioner

Versus

State of Haryana

...Respondent

CRM No.M-9552 of 2016 (O&M)

Sahid

...Petitioner

Versus

State of Haryana

...Respondent

CRM No.M-9472 of 2016 (O&M)

Sharif and another

...Petitioners

Versus

State of Haryana

...Respondent

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

Present:- Mr. Balraj Gujjar, Advocate,
for the petitioner(s) in CRM Nos.M-9420 and 9472 of
2016.

Mr. Chanderhas Yadav, Advocate,
for the petitioner in CRM No.M-9552 of 2016.

Mr. Anmol Malik, AAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of CRM Nos.M-9420 of 2016,
CRM No.M-9552 of 2016 and CRM No.M-9472 of 2016 as these
three connected petitions filed under Section 439 Cr.P.C. seeking

benefit of regular bail to the petitioners herein 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 and 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.

Allegations against Shakeel i.e. petitioner in CRM No.M-

9420 of 2016 is of presence at the occurrence and of having thrown a stone resulting in simple injury. No recovery is stated to have been effected from him. Shakeel is stated to be in custody since 20.09.2015

Sahid petitioner in CRM No.M-9552 of 2016 has also been attributed a simple injury and no recovery has been effected from him. He is stated to be in custody since 10.03.2015.

Sharif petitioner No.1 in CRM No.M-9472 of 2016 has not been attributed any specific injury. Even though recovery of one lathi and Rs.4,000/-is stated to have been effected from him. He has been in custody since 19.10.2015.

Haroon petitioner No.2 in CRM No.M-9472 of 2016 has been attributed fist and leg blows and no recovery has been effected from him. He is stated to be in custody from 06.04.2015.

It has also gone uncontroverted that one Hussain member of the complainant party had suffered a grievous injury that does not attribute to any of the petitioners in these three connected petitions.

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

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

Petitioners in these three connected petitions be enlarged

on bail subject to satisfaction of the Chief Judicial Magistrate/Duty
Magistrate, Mewat.

Disposed of.

31.03.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE