

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

CRM No. M-9561 of 2016 (O&M)

Date of Decision: 31.03.2016

Junaid and others

..Petitioners

Versus

State of Haryana

...Respondent

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

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

Mr. Anmol Malik, AAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioners seek benefit of regular bail pending trial in case FIR No.43 dated 10.03.2015, under Sections 148, 149, 323, 324,325, 326, 427, 436, 452, 395, 397, 506, 316 of Indian Penal Code, registered at Police Station Nagina, District Mewat, Haryana.

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.

Insofar as petitioner No.1 is concerned even though his presence has been recorded but no injury has been attributed. From petitioner No.2 one motor cycle is alleged to have been recovered and a simple injury has also been attributed with a stone. From petitioner No.3 one single barrel gun is stated to have been recovered. Even though no gun shot injury is attributed. From petitioner No.4 one cot is stated to have been recovered and simple injury has been attributed by way of throwing of a stone. From petitioner No.5 recovery of one refrigerator is stated to have been effected apart from having inflicted lathi blow.

All the petitioners are in custody since 06.04.2015.

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.

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 petition is allowed.

Petitioners 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**