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

CRM-M No.13032 of 2017
Date of Decision: 02.05.2017

Irshad

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.728 dated 05.12.2015, registered under Sections 148, 149, 302, 323, 341 IPC at Police Station Sonipat City, District Sonipat.

Complainant Sat Narayan lodged the FIR with the allegations that on 04.12.2015, the complainant along with his family members went in a shape of Panchayat to receive the amount from the accused Aash Mohd. in view of his assurance dated 03.12.2015. At about 2.30 noon, they reached the house of Aash Mohd. Aash Mohd. was found sitting along with his sons, wife and daughter-in-law. Brother of the complainant was

beaten by Salamu and Ashu. Other members of the Panchayat were also beaten. Complainant also alleged that when he tried to escape, then Ashu and his sons and Kishan and his sons gave beatings to the complainant and he received injuries. 5-6 unknown persons also participated after reaching the spot whose names could not be known at the time of registration of FIR.

Learned counsel for the petitioner submitted that three of the accused namely Anwari, Mehro and Ravina have already been granted anticipatory bail by the Additional Sessions Judge, Sonipat on 26.05.2016. The petitioner was not named in the FIR nor any specific role was attributed to him. The name of the petitioner did not find mention even in the statements of the witnesses under Section 161 Cr.P.C.

Co-accused Aash Mohd. and Javed were arrested. Their disclosure statements were recorded on 06.12.2015. Even in the aforesaid disclosure statements, complicity of the petitioner could not come to fore. Second disclosure statements of aforesaid Aash Mohd. and Javed were recorded in which involvement to the extent of presence of the petitioner was recorded. After the arrest of the petitioner, disclosure statement of the petitioner was recorded wherein he was attributed a lathi blow to a lady and to one more person but not the deceased.

Petitioner is in custody since 21.07.2016.

Learned State counsel on instructions from HC Surender Singh submitted that supplementary challan has been submitted and charges are yet to be framed.

In view of aforesaid facts, without meaning anything on the merits of the case, I am of the view that petitioner, who is in custody since 21.07.2016 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 02, 2017

jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No