

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

1. CRM-M-41127-2017

Azim

..... Petitioner

Versus

State of Haryana

..... Respondent

2. CRM-M-42671-2017

Sameer

..... Petitioner

Versus

State of Haryana

..... Respondent

3. CRM-M-45167-2017

Usman

..... Petitioner

Versus

State of Haryana

..... Respondent

Date of decision :- 21.12.2017

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Manoj Pundir, Advocate
for the petitioner(s) in **CRM-M-41127-2017 &
CRM-M-42671-2017.**

Mr. Inderjit Singh, Advocate
for the petitioner in **CRM-M-45167-2017**.

Mr. Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

Vide this order, I shall dispose of two petitions for grant of pre arrest bail i.e. **CRM-M-41127-2017** filed by petitioner Azim, **CRM-M-42671-2017** filed by petitioner Sameer and another petition for regular bail i.e. **CRM-M-45167-2017** filed by petitioner Usman, all of them being accused in FIR No.446 dated 11.8.2017 for offences under Sections 307, 323, 34 IPC and Section 25 of Arms Act registered with Police Station City, Yamuna Nagar.

Briefly stated, facts of the case as per prosecution story are that FIR in this case was recorded on the basis of statement of complainant Harpal Singh son of Sh. Gurmukh Singh, Caste Bhat Sikh, resident of Anand Colony Hamida, Yamuna Nagar aged about 24 years, who *inter alia* stated that on 10.8.2017 at about 7:00 p.m., his neighbour Sameer son of Jamil, Ragand Muslim along with his friends Usman @ Rulla and Naveen son of Jamil was sitting on the slab in the street; that the complainant objected to the same stating that his sisters and ladies of locality get water from tap of the street and their sitting there causes inconvenience to them; that hot words were exchanged between the two sides; that the mother of the complainant namely Smt. Baljeet Kaur and mother of Sameer namely Aziza also arrived at the scene; that there took exchange of abuses between them; that foot of Aziza slipped and she suffered minor injury on her head, however, both the sides were separated by their neighbours; that at about

8:15 p.m., Sameer armed with gandasi and hurling abuses came in the street in front of house of complainant, hearing that Satnam Singh son of Sardar Singh, Harbans Singh and Robin Singh son Sardar Singh, who were already present in the house of the complainant came out; that maternal uncle of Sameer namely Azim son of Aziz, resident of Sekhpura, District Saharanpur having a glass bottle attacked the complainant, however, he was saved by Satnam and Robin, who pulled him back; that Rulla @ Usman and Usman son of Sakil came; Rulla @ Usman was having a *belcha* and Usman son of Sakil was having country-made pistol; that Rulla @ Usman aimed a *belcha* blow on the head of complainant, however, the complainant escaped being hit; that then Usman son of Sakil fired a shot at the complainant with a country-made pistol, however, the complainant got aside and saved himself from being hit; that on alarm being raised, various persons gathered at the spot; that thereafter accused ran away from the place of occurrence along with their respective weapons. The police was informed. After registration of the FIR, the matter was investigated. Accused Usman was arrested on 9.10.2017. All the accused had filed applications before Court of Sessions at Yamuna Nagar but were unsuccessful there, as such they have approached this Court seeking similar relief by filing of the petitions, notices of which have been issued to the respondent - State, which put in appearance through counsel.

I have heard learned counsel for the petitioners and learned State counsel besides going through the record.

Aziza mother of petitioner Sameer had also suffered injuries in the incident. She was hospitalized and was medico legally examined at

Trauma Centre of Civil Hospital, Yamuna Nagar at about 8:15 p.m. on the day of incident, in that way counter version of the incident is there. The custodial interrogation of the petitioners Azim and Sameer is not found to be necessary and it is found to be a fit case to grant them pre-arrest bail. Therefore, the interim bail granted to petitioner Azim vide order dated 2.11.2017 and interim bails granted to petitioner Sameer vide order dated 13.11.2017 are made absolute subject to their fulfilling conditions under Section 438(2) Cr.P.C.

In that way **CRM-M-41127-2017** filed by petitioner – Azim and **CRM-M-42671-2017** filed by petitioner Sameer are allowed.

Regarding regular bail of petitioner Usman is concerned, after being arrested, the recovery has already been effected from and presently he is in judicial custody. His further detention is not going to yield any fruitful purpose.

Accordingly, the CRM-M-45167-2017 is also allowed. The petitioner Usman be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Yamuna Nagar at Jagadhri, subject to the following conditions:

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner Usman does not abscond and interfere in the trial.

In case the petitioner Usman violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

21.12.2017
Brij

(H.S. MADAAN)
JUDGE

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**