

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

**CRM-M No. 17786 of 2018
DATE OF DECISION :- May 29, 2018**

Sappa @ Sarfraj

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Ashok Kaushik, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

This petition for regular bail has been filed by petitioner Sappa @ Sarfraj , an accused in F.I.R. No. 134 dated 12.5.2017 for offences under Sections 148,149,323,324,325,307,379B,452,427,285,506 IPC and Section 25 of the Arms Act registered with Police Station Bahin, District Palwal.

F.I.R. in this case was registered at the instance of Tofique son of Umar Mohd. resident of Ghudawali Police Station Bahin who in a complaint submitted to the police stated that on 9.5.2017, when his father Umar Mohd. was returning home after offering Namaj at Mosque, he was kidnapped by Niyaj and others and was illegally confined. Then he freed his father. The accused threatened to kill him. At about 5.00 P.M. when they reached home then the accused armed with weapons of various types came to their house and assaulted Kashmiri-maternal aunt of complainant, Nazra-a cousin sister of complainant, Rashida, Shabbir and Summaya. The house

hold articles were looted and damaged by those miscreants.

The injury attributed to the petitioner is simple in nature. He was arrested in this case on 28.12.2017 and presently he is in judicial custody. Investigation is still going on. It is stated that challan has been filed against two of the accused against whom charge has been framed. Out of those two accused one has been granted bail by the trial Court.

The present petitioner had moved to the Court of Sessions for grant of regular bail but was unsuccessful, as such he has approached this Court for grant of similar relief.

I have heard learned counsel for the petitioner, learned State counsel besides going through the record.

The injury attributed to the present petitioner is simple in nature. One of the co-accused is said to have been granted bail by the Court of Sessions.

Without going into the merits of the case, I find that it would be in fitness of things if the present petition is allowed. The petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Palwal 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 and shall surrender his Passport, if he has got one

otherwise to furnish affidavit in that regard.

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

In case the petitioner violates any term and condition on which the bail has been granted to him, the order shall be liable to be withdrawn.

(H.S. MADAAN)
JUDGE

May 29, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No