

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

CRM-M-6887-2018 (O&M)

Date of decision: 27.11.2018

Hasan Mohammad @ Hassi

... Petitioner(s)

VERSUS

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

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

Mr. R.K.Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.(Oral)

The present petition petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.624 dated 4.9.2017 registered for the offences punishable under Sections 148, 149, 323, 506 of Indian Penal Code (Section 307 IPC added later on), at Police Station Nuh, District Nuh.

Heard.

It is the case of the prosecution that on 2.9.2017, a scuffle between two groups and on 4.9.2017, a statement was made by Mustak to the police that on 31.8.2017 at about 7:00 p.m., one Aarif asked Hakam to pay the rent of his shop. Hakam flatly refused to pay the same and used abusive and aggressive attitude. He threatened to implicate him in a false case. On 1.9.2017 at about 12:00 noon, when the complainant and his

Mohammad @ Hassi accused petitioner, Samsu, Wahid, Khurshid, Fajru, Isse Khan, Rashid, Sakir, Salim and Aarif came there and caused injuries to the complainant party with lathi.

Without expressing any opinion on the merits of the case, this petition is allowed and the order dated 19.2.2018 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the trial Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

However, keeping in view the facts and circumstances of the case, this Court deems it appropriate that interim compensation must be awarded to the victim who remained in ICU for more than five months.

In view of the above, this Court assessed the interim compensation to the tune of ₹ 75,000/- to be paid jointly by all the petitioners in both the cases. The compensation amount shall be paid either through cash or bank draft in the name of the injured-Fakru and that shall be tendered before the learned Magistrate within ten days. This amount shall be

without prejudice to the rights of the parties and shall be subject to the outcome of the trial. Learned Magistrate shall disburse this amount to the victim-Fakru on his submitting surety bond of the equal amount to the effect that in the event of any Court directs him to return this amount, he shall return and on his failure to do so, the surety shall be liable.

November 27, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No