

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

**Crl. Misc. No.M-33363 of 2019 (O&M)
Date of Decision: October 30, 2019**

Nawaz Sharif Talim

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jamshed Ahmed, Advocate
for the petitioner (s).

Mr. Munish Sharma, AAG Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 417 dated 11.12.2018 registered for the offence punishable under Sections 148, 149, 342, 307, 379B, 427 of Indian Penal Code and 25 of Arms Act, 1959 at Police Station City Sohna, Gurugram.

Heard.

The facts of the case as extracted from the order of learned Additional Sessions Judge, Gurugram dated 02.07.2019, are as follows:-

“3. In brief, as per police reply the allegations made therein are that on 11.12.2018, complainant Sarafat Ali came in the police station City Sohna and moved an application addressed to the SHO, P.S. City Sohna alleging therein that he and his friend Faizal, Alim and Mubarik were at Hathin. At that time, on the mobile

number of Faizal, a call came from Yusuf that he has some urgent work and he was to come to Sohna, on which they came to Sohna in vehicle No.HR-38-X-0847. There, Yusuf met them in Swift Dzire vehicle No.HR-29-AL-4044 at Indri road. Suddenly, 15-20 armed persons, in two Santro cars, one Verna and one Baleno car, surrounded them and straight way hit their vehicle. His friend Yusuf was successful in running away in his vehicle No.HR-29-AL-4044. Their vehicle was hit from the front and the armed persons after getting down, attacked them with baseball bats and arms. When they started running, they commenced firing. His friend Mohd. Ali and Mubarik were successful in running away. He and Faizal were caught. They were badly beaten. He was put in a Santro car and his friend Faizal was put in a Baleno car. They took them to Rithora village where they made them naked and snatched Rs.7680/- from his pocket and Rs.21,865/- from the pocket of his friend. They were further beaten and were taken to village Ghasera where they were confined in a room. He saw the number of the vehicles as HR-26-AQ-2399 and Verna 7379 and Duster HR-52-9676. He could not note the number of other two cars. The persons who attacked them, were Isha, Tofik, Nawaj, Afzal, Mubin, Rafiq, Himmat @ Bhura, Luka and 5-6 other persons, whom he did not know by name but could identify them on seeing. In the evening, Isha called Sajji, Wasim by phone, who got them freed after much request. The above persons fired at them with the intention of killing them.”

Learned counsel for the petitioner submits that though the petitioner has been named in the FIR but no role or specific injury has been

crime was given by him to Himmat Singh @ Bhura. Though the use of fire-arm has been alleged but neither of the injured has suffered any fire-arm injury.

Petitioner was arrested in this case on 05.05.2019. Co-accused Tofik, who was also named with the petitioner and has been attributed similar role, has already been allowed regular bail by the trial Court.

Keeping in view the above facts and that trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Nawaz Sharif Talim is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without prior permission of the Court.

October 30, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No