

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

CRM-M-16282-2020
Date of decision:10.07.2020

MIR KASIM @ KALU @ SHERA

.....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Aditya Partap Singh, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. Liaqat Ali, Advocate
for the complainant.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual
Court)*

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.10 dated 23.1.2020 under Sections 323, 365, 458, 506, 148 and 149 IPC at Police Station Sadar, District Pathankot
2. The FIR in question was lodged at the instance of Roshandeem wherein it has been alleged that on 23.1.2020 he bolted the room from inside and he

as well as other members of the family went to sleep. However, later the door of the room was opened and Kaka @ Yakub entered holding 'Takua', alongwith Sher Ali who was holding 'Kirpan', Shamdin @ Shamu holding 'Datar' and Kalu empty handed as well as 3-4 unknown persons. It is alleged that Kaka @ Yakub gave a blow with 'Takua' on his head from its reverse side while Sher Ali gave a blow with 'Dang' on his nose. Gaggu is stated to have given a blow from the reverse side of 'Kirpan' on the left eye-brow of the complainant, Shabir is stated to have caused an injury from the reverse of 'Kirpan' on the left elbow and Shamdhin @ Shamu gave a blow with 'Datar' on the left elbow of the complainant, another unknown persons is stated to have given a blow with stick on the shoulder of the complainant. It is further alleged that said accused also caused injuries to his wife namely Janu and his son namely Romu. The complainant has alleged that thereafter Sher Ali @ Sheru, Sham Din @ Shamu and Sabhir went into the room of his daughter-Masuma and took her away forcibly.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and no specific role has been attributed to petitioner and that even as per FIR he is not shown to be armed with any weapon. It is further submitted that it is a case where complainant's daughter-Masuma had solemnized marriage with Sher Ali against the wishes of her parents i.e. complainant and others and thereafter complainant's daughter along with Sher Ali had approached this Court seeking protection apprehending threat to their lives from the

complainant and others.

4. Learned counsel for the petitioner has further submitted that subsequently on account of some minor matrimonial discord after about 3 months between Masuma and her husband-Sher Ali, said Masuma returned back to her parental home but thereafter again joined the company of her husband. It has been submitted that the present FIR has been lodged by Masuma's father simply to settle scores with Sher Ali by falsely implicating other members of his family. It has been submitted that co-accused of the petitioner namely Yakub @ Kaka has been granted concession of bail by this Court vide order dated 17.6.2020 passed in CRM-M-13920-2020 and prayed that petitioner also deserves concession of bail on the ground of parity.
5. Opposing the petition, the learned State counsel assisted by learned counsel for the complainant has submitted that keeping in view the nature of offence, no case for grant of bail is made out. It has however been informed that the petitioner has been behind bars for almost about 5 months.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the aforesaid facts and circumstances and bearing in mind that the petitioner has been behind bars for almost about 5 months, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time.
8. The petition, as such, is accepted and the petitioner is ordered to be

released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.07.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No