

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2020-10-28 19:17
I attest to the accuracy and
authenticity of this document

CRM-M-25284-2020 (O/M)

Date of decision : 28.10.2020

Yusuf

..... Petitioner (s)

Versus

State of Haryana

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Ms. Rosi, Advocate
for petitioner.

Mr. Sanjay Mittal, Additional A.G. Haryana.

Mr. Saleem Ahmed, Advocate
for complainant.

-.-

-.-

HARINDER SINGH SIDHU, J.

The case is taken up through video conferencing on account of COVID 2019.

This is a petition filed under Section 439 Cr.P.C. for grant of bail in case FIR No. 59, dated 1.4.2020, registered under Sections 148, 149, 323, 452, 427, 285, 506 IPC and under Section 25 of Arms Act (Sections 307, 269, 270, 188 IPC added later on) at Police Station Bichhore, District Nuh.

FIR was registered on the complaint of one Irshad wherein he stated that in his village Jameel (Dedwal) and Aajad ex parshad (Chirklot) parties had dispute between them in which many cases are going between the parties. He and his family has no connection with said parties. On 30.3.2020 at about 7.30/8.30 am, a fight was going on between that parties. Accused started removing their house bricks and started throwing bricks on other party. When an objection was raised by complainant, accused persons threatened to teach him a lesson. They went away. After sometime, they come back and entered into house of complainant with dandas, lathis, guns, country made pistol and farsa in their hands and started giving beatings to complainant party. Jamaluddin who had country made pistol with him handed over it to Abbas and asked Abbas to teach a lesson to complainant party. Abbas fired a shot on his uncle Noorhasan with an intention to kill him, due to which his uncle fell on ground. Kamil and Arshad gave lathi

blows on head of complainant. Rahul and Shahrukh again gave Jarina blows on uncle of complainant who had fallen on ground. Jarina, Mustakeem and Usmani gave them kicks and fists blows. Aasini, Jamaluddin, Yusuf, Umarbi, Aarif and Salman were alleged to have pelted stones at the house of complainant which damaged house of complainant. Thereafter, when other persons interfered, accused party fled away.

Learned counsel for petitioner has argued that only role attributed to petitioner is that he alongwith other co accused was throwing stones at the house of complainant. Petitioner is in custody since 26.6.2020. Investigation in case is complete. However, trial of case has not made any headway due to COVID 2019.

In view thereof and considering that petitioner is in custody since 26.6.2020 and trial has not made any headway due to COVID 2019, no useful purpose will be served by detaining petitioner behind bars till the conclusion of trial. Accordingly, petition is allowed. Petitioner Yusuf is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

28.10.2020

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No