

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

Criminal Misc. No.M-26579 of 2020(O&M)

Date of Decision: September 09, 2020

Azad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: - Mr.Munfaid Khan, Advocate for the petitioner.
Mr.Sanjay Mittal, Addl. AG, Haryana.
Ms.Rozy, Advocate for complainant.

-

HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 438 Cr.P.C for grant of pre-arrest bail in case FIR No.36 dated 25.01.2020 under Sections 148, 149, 323, 324, 325, 326, 506 and 285 IPC and Section 25 of the Arms Act and Section 307 IPC added later on, Police Station Nuh, District Nuh.

The FIR was registered on the complaint of one Jamshed. He stated that there was previous enmity between the accused and the complainant party. On 24.01.2020 at about 3 O'clock he was sitting in the house of his uncle Unish. The accused armed with Lathies, Sticks, Farsas, Gun and Stones came there. Junid fired from his gun with intention to kill Sarif Kha. Sarif Kha fell on the ground, as such, he was saved. Sher Mohd, Azad (petitioner), Vasim Akram, Umar Mohd, Anasar, Kamalu and Sadam who were having lathies and sticks in their hands started brutally beating Sarif Kha, father of the complainant. Azad gave a lathi blow on the left leg, due to which Sarif Kha's left leg got fractured. Vashim gave a lathi blow on the right leg due to which it got fractured and Umar Mohd. gave a lathi blow on the shoulder of Sarif Kha due to which the hand of Sarif Kha got

fractured. When the complainant tried to save him, then Tasim, Faruk, Mohabat, Sahun, Hanif, Abdul and Chottu starting beating him with lathies and sticks. They also caused injuries to Mobina, Asari, Sahil, Jarjis, Rafikan and Ajam. On hearing the noise, some other people came there and, thereby, the complainant and his father were saved, otherwise, the accused would have killed them.

Ld. counsel for the petitioner has argued that in fact, it was the complainant party which had attacked the accused. The nephew of the present petitioner Vasim Akram is the Sarpanch of the village. The complainant party was objecting to laying of tiles near the Masjid street. The complainant party caused injuries to the members of the petitioner side, regarding which FIR No.39 dated 27.01.2020 under Sections 148, 149, 323, 324 and 506 IPC has been registered in the same Police Station.

Ld. counsel for the petitioner may be correct that there is a cross-case registered against the petitioner. However, the fact of the matter is that the injury inflicted on the main injured has been opined as 'cumulatively dangerous to life'. The injured has suffered fractures on various parts of the body. He is still hospitalized and awaiting some surgery. In view thereof, it is not a fit case for grant of anticipatory bail to the petitioner.

Dismissed.

September 09, 2020

gian

**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No