

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2020/11/02 18:02
I attest to the accuracy and
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CRM-M-30066-2020

Date of decision : 2.11.2020

Aamir Khan alias Leelu and others

..... Petitioner (s)

Versus

State of Haryana

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Manoj Pundir, Advocate for
Mr. G.C. Shahpuri, Advocate
for petitioners.

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

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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. 303, dated 11.5.2020, registered under Sections 148, 149, 323, 308, 506, IPC(Section 325 IPC added later on) at Police Station City Yamuna Nagar, District Yamuna Nagar.

FIR was registered on the statement of Ekram stating that his family has enmity with the family of Kasim since long on account of a milk dairy. On 10.5.2002, there was a heavy rain due to which lot of rainy water had gathered in the street. On account of drainage of said rainy water, family of Kasim had exchanged hot words with complainant party in the morning. On the same day, in the evening, complainant was present at his milk dairy alongwith his mother Munni, brothers Hafijudin and Istkar who had come to take milk at their dairy. After some time, Munni (mother of complainant) went to street and started draining the water. Meanwhile, Kasim alongwith his son Amjad, Batti, Pillu, Rijwan, Lilu, Sehjad etc. started abusing her mother for draining the rainy water. They were carrying dandas, binda and iron rod in their hands. Amjad son of Kasim who was carrying iron rod in his hand gave a blow with iron rod on the head of complainant which hit in the middle of his head. Pillu who was carrying iron rod in his hand gave blow with iron rod on his right hand which hit on upper side of elbow of complainant. Batti gave a danda blow on his right hand which hit his wrist and

complainant fell down. Thereafter, all persons gave injuries to Mumtaz (mother of complainant). Hafiju and Istkar (brothers of complainant) with sword, danda, binda and with iron rods. On raising noise, accused fled away.

As far as present petitioners are concerned, no specific role has been attributed to them. As per allegations in FIR, specific injuries have been attributed to other accused. Only one injury suffered by Hafijudeen which was fracture on arm attracts Section 325 IPC. Petitioners are in custody since 18.9.2020.

In view thereof and considering that petitioners are in custody since 18.9.2020, no useful purpose will be served by detaining petitioners behind bars till the conclusion of trial. Accordingly, petition is allowed. Petitioners Aamir Khan alias Leelu, Shahjad, Rizwan are ordered to be released on bail on their furnishing bail and surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

2.11.2020

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No