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

**CRM-M No.2223 of 2021
Date of Decision: 25.02.2021**

SUBEDIN

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. Mazlish Khan, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.148 dated 31.05.2020, registered under Sections 148, 149, 307, 201, 323, 325, 341, 342, 506, 364, 379-B IPC at Police Station Hathin, District Palwal.

As per allegations firstly occurrence took place on 28.05.2020 at 10.00 A.M., when Shamim i.e. son of the complainant was encircled by Hakku @ Hakmudin and other and

they gave beatings to him with *lathi*, *danda*, *saria* and *farsa* etc. Even the effort made by one Vakil to rescue him remained futile. Thereafter Shamim was taken to house of Hakku and was given beatings there. The incident was narrated by Vakil to the complainant and he went to the house of the accused. The complainant found outside the house of accused that Hakku, Sharukh and Adkil were standing with weapons and they asked the complainant to take dead body of his son after sometime.

As per investigation, the petitioner is author of an injury on the ankle of leg which was found to be simple in nature. He was shown to be armed with *baton*. It has been alleged that the brother of the petitioner had opened fire upon real brother of injured Shamim and a separate FIR No.480 dated 30.08.2020, Police Station Nuh was registered against real brother of the petitioner. According to investigation of the case in that FIR, the allegations were found to be false and the brother of the petitioner was even declared to be innocent.

The factual position of the case could not be disputed by learned State counsel on instructions from ASI Manoj Kumar duly assisted by learned counsel for the complainant. However, learned State counsel opposed the bail on the basis of total injuries received by the injured.

Since the petitioner is author of simple injury on the

ankle of leg and is in custody since 20.07.2020, therefore, at this stage without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 25, 2021

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No