

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-8683 of 2021 (O/M)
Date of Decision: April 09, 2021

Sardar and others

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

--

Present: - Mr.Devender Kumar, Advocate
for the petitioners.

Mr.Tapan Kumar Yadav, DAG, Haryana.

HARINDER SINGH SIDHU, J.

The petitioners have filed this petition under Section 438 Cr.P.C for grant of pre-arrest bail in case FIR No.297 dated 25.12.2019 under Sections 148, 149, 323, 427, 506 of the Indian Penal Code (Section 307 IPC added later on), Police Station Nagina, District Nuh (Mewat).

The FIR was lodged on the complaint of Hasan Mohd., who stated that he was posted in the Public Health Department. On 24.12.2019 at about 10.00 am he was present at his home. His son Aakil Hussain and other family members were also present at his house. Accused Rafiq and Daud came to the house of the complainant and asked his son why they release the water of their house in the drain. The son of the complainant replied that the water of their house and the mosque together goes in the drain. On this, they dared the

complainant and his son to release the water in the drain. They called their family members, who came armed with Farsa, Lathi, Dandas, Gid and stones and trespassed into the house of the complainant. Accused Rafiq (petitioner No. 3) inflicted a blow with Farsa on the head of Sabana, daughter of the complainant; Daud (petitioner No.2) inflicted a Farsa blow on the head of Barkati d/o Munshi; Sahban inflicted a Farsa blow on the head of Sayra w/o Basir; Sirdar (petitioner No. 1) gave a lathi blow on the right hand of Wakila w/o Haider Ali; Aleem gave a Danda blow on the eye of Jiya aged two years; Saukin (petitioner No. 4) gave a lathi blow on the head of Atika d/o Nasruddin. The other accused persons also gave beatings to the family members of the complainant. On noise being raised, the accused fled away.

As per the medico-legal reports of the injured persons, Jiya suffered one injury with blunt weapon, ENT and Surgeon opinion was sought. Aatika suffered five injuries, which were opined as blunt. Surgeon opinion was sought. Hasir Ali suffered three injuries, Qua injury No.1 X-ray was advised and Surgeon opinion was sought. Qua injury No.2 Orthopedic Surgeon opinion was sought and qua injury No.3 (blunt) ENT opinion was sought. Sabana suffered three injuries, all blunt, for which X-ray was advised and Surgeon opinion sought. Wakila suffered three injuries and for injuries No.1 and 3 Orthopedic opinion was sought and X-ray advised, while injury No.2 was declared blunt.

Initially, the case was registered under Sections 148, 149, 323, 427 and 506 IPC. However, offence under Section 307 IPC was added on 01.07.2020 after receipt of opinion with regard to the injury suffered by Hasir Ali.

Ld. Counsel for the petitioners has argued that offence under Section 307 has been falsely added after six months of the incident. In the FIR

there is no mention of any injury having been sustained by Hasir Ali.. As per the medical records, injured Hasir Ali was never admitted in the hospital. He was immediately discharged. Also no surgery was performed on him.

Ld. Counsel for the State on the other hand opposed the grant of bail.

The allegations are that the accused trespassed into the house of the complainant armed with various weapons. They caused injuries to women and children of the complainant's family. Even a minor girl of two years was not spared. The police proceedings consequent on the registration of the FIR record that three injuries were suffered by Hasir Ali. So there is no reason to doubt the presence of Hasir Ali and his having been inflicted the injuries.

Considering the nature of allegations no ground is made out to grant the concession of anticipatory bail to the petitioners.

This petition is dismissed.

April 09 , 2021

gian

(HARINDER SINGH SIDHU)
JUDGE