

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

220

Date of decision: 06.08.2021

(1) CRM-M-11412-2021

Aamir

.....Petitioner.

vs.

State of Haryana

.....Respondent.

(2) CRM-M-11932-2021

Mubarik

.....Petitioner.

vs.

State of Haryana

.....Respondent.

(3) CRM-M-11948-2021

Maggar

.....Petitioner.

vs.

State of Haryana

.....Respondent.

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

Present: - Mr. Vikram Singh, Advocate,
for the petitioner(s).

Mr. Anant Kataria, DAG Haryana.

Mr. Tanmoy Gupta, Advocate,
for complainant No. 2.

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RAJ MOHAN SINGH, J. (ORAL)

The cases have been taken up for hearing
through video-conferencing.

Vide this common order, CRM-M-11412-2021, CRM-M-11932-2021 and CRM-M-11948-2021 are being disposed of.

Since all the three cases have arisen from one FIR, therefore, facts are being taken from CRM-M-11412-2021.

Prayer is for grant of regular bail in all the aforesaid cases under Section 439 Cr.PC., in case bearing FIR No.148 dated 31.05.2020 under Sections 148, 149, 307, 201, 323, 325, 341, 342, 506, 364 and 379-B IPC registered at Police Station Hathin, District Palwal.

As per prosecution story, the occurrence took place on 28.05.2020 at 10.A.M., when Shamim, son of the complainant, was encircled by Hakku @ Hakmuddin and others. They gave beatings to him with *lathies*, *dandas*, *saria* and *farsa* etc. Even efforts were made by one Vakil to rescue him but in vain. Thereafter, Shamim was taken to the house of Hakku @ Hakmuddin and was given beatings there also. Vakil told the complainant about the occurrence and thereafter the complainant went to the house of the accused. The complainant found that Hakku, Sharukh and Aadil were standing outside the house along with the weapons. They asked the complainant to take the dead body of his son after some time. The son of the complainant Shamim received as many as 14 injures on his person. The details of the injuries are reproduced as under:

Sr. NO	Injuries	Marked	Injury number
1	L/W of 3x1 CM MUSCLE DEEP AT LT. PARIETAL REGION OF SKULL BLEEDING PRESENT HISTORY OF LOC PRESENT. ADV., SURGERY	NO	1
2	L/W OF 5x1 CM MUSCLE DEEP AT RT. PARIETAL REGION OF SKULL BLEEDING PRESENT ADV. -SURGERY OPINION	NO	2
3	SWELLING OF 3x2 CM AT RT. TEMPORAL REGION OF SKULL. ADV.-SURGERY OPINION	NO	3
4	BLEEDING FROM RT EAR PRESENT.ADV.-ENT OPINION	NO	4
5	L/W OF 1x0.5 CM MUSCLE DEEP AT DISTAL END RT.ARM.ADV.-ORTHO OPINION	NO	5
6	MULTIPLE CONTUSION OF VARIOUS SIZES AT RT.FOREARM, TENDERNESS AND SWELLING PRESENT. ADV.-ORTHO OPINION	NO	6
7	L/W OF 3x2 CM MUSCLE DEEP AT MEDIAL ASPECT OF LT. ELBOW. ADV.-ORTHO OPINION	NO	7
8	COUNTUSION OF 7x2 CM OVER LT. SIDE OF CHEST AND ABDOMEN. ADV.-SURGERY OPINION	NO	8
9	THREE L/W2 OF 1x0.5 CM, 3x1.5 CM AND 2x1 CM MUSCLE DEEP AT ANTERIOR ASPECT OF RT.LEG, BLEEDING PRESENT. ADV.-ORTHO OPINION	NO	9
10	FOUR L/W OF 4x2 CM, 1x0.5 CM, 1x0.5 CM AND 1x0.5 CM MUSCLE DEEP AT ANTERIOR ASPECT OF LT. LEG, BLEEDING PRESENT. ADV. ORTHO OPINION	NO	10
11	MULTIPLE CNTUSION AT RT. KNEE, TENDERNESS AND SWELLING PRESENT. ADV.-ORTHO OPINION	NO	11
12	TENDERNESS AND SWELLING AT LT.KNEE.ADV.-ORTHO OPINION	NO	12
13	L/W OF 3x1 CM AT BASE OFNAIL OF	NO	13

	RT.GREAT TOE, BLEEDING PRESENT, ADV.- ORTHO OPINION		
14	MULTIPLE CONTUSION OF VARIOUS SIZES AT VARIOUS PART OF BODY	NO	14

As per the material on record, 11 accused have been named in the FIR. Out of the total accused, the accused namely Alli son of Rehman, Sabir and Sahid sons of Nasru and Ajru son of Hasan Khan have been found to be innocent. Injuries number 1 to 3 on the person of Shamim are declared to be dangerous to life and the same are attributed to Hakmuddin @ Hakku son of Rehman, Aadil son of Hakmuddin @ Hakku and Shahrukh son of Alli.

As per the status report filed by the State, Aadil inflicted injuries on the left and right hands of Shamim. Mubarik inflicted injuries on the right hand of Shamim and Maggar inflicted injuries on the elbow of Shamim with an axe. Injury number 5 is declared to be simple in nature whereas injuries numbers 6 and 7 are grievous in nature. There is no injury on the left hand of the injured Shamim. The injury on the left elbow is attributed to Maggar. Co-accused Subedin has been granted regular bail by this Court vide order dated 25.02.2021 passed in **CRM-M-2223-2021** titled **Subedin versus State of Haryana**. Subedin is the author of injury on the ankle of leg which is found to be simple in nature. It has also been alleged that the brother of Subedin had opened fire upon real brother of injured Shamim and a separate FIR No. 480 dated 30.08.2020 at

Police Station Nuh has been registered against real brother of Subedin. According to the investigation of that case, the allegations have been found to be false and the brother of Subedin has been declared to be innocent.

The factual details of the case have not been disputed at the instance of learned State counsel, on instructions from ASI Krishan Kumar. However, learned State counsel opposed the bail on the basis of total injuries received by the injured. Aamir is author of simple injuries. Mubarik and Maggar are authors of grievous injuries. Aamir and Mubarik are in custody since 05.10.2020 and Maggar is in custody since 23.07.2020.

After filing of the challan, charges have not been framed. Now the case is fixed for 26.08.2021.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and 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. Petitioners are ordered to be released on bail, subject to their 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.

Copy of this order be placed on the connected files.

(RAJ MOHAN SINGH)
JUDGE

06.08.2021

preeti
whether speaking/non speaking *yes/no*
whether reportable/non reportable *yes/no*