

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

(Through Video Conferencing)

CRM-M-20673-2021

Date of Decision: 27.05.2021

IMAMUDDIN

.....*Petitioner*

V/s.

STATE OF HARYANA

.....*Respondent*

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Sameer S. Tiwari, Advocate,
for the petitioner.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

Mr. Vikas Kumar, Advocate,
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure for grant of concession of regular bail to the petitioner in case FIR No.0683 dated 26.11.2020 lodged under Sections 323, 324, 341, 379-B, 427, 506 and 34 of the Indian Penal Code, 1860 (Section 326 of the IPC added later on) registered at Police Station Mujesar, District Faridabad (Haryana).

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the case in hand on account of a civil dispute which was pending between the petitioner and the complainant. He further submits that a highly improbable story has been put-forth by the prosecution that the petitioner was attacked with a broken glass bottle as a result of which the ear of the complainant was severed. Learned counsel for the petitioner further submits that the petitioner has been in custody since

12.12.2020 and there is no likelihood of the trial concluding in the near future as the prosecution evidence has not yet concluded.

On the contrary, learned counsel for the complainant and learned State counsel have vehemently opposed the prayer and submissions made by learned counsel for the petitioner. Learned counsel for the complainant has submitted that in another criminal case, the complainant was to give his evidence before the Court below as a prosecution witness against the petitioner who was an accused in the case and it was on account of this, the complainant was attacked so as to prevent him from appearing in the Court and deposing against the petitioner. Learned counsel has further submitted that due to the injury inflicted by the petitioner, the right shoulder of the complainant has been permanently disabled and he has lost his power of hearing of right ear.

Learned State counsel, on instructions from ASI Mahesh Kumar, has apprised this Court that the petitioner is a man of criminal antecedents as he is involved in another criminal case.

Heard.

Prima facie, there are serious allegations against the petitioner for which he does not deserve the concession of regular bail. Resultantly, the instant petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

May 27, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No