

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

CRM-M-24660-2021
Date of decision: 28.07.2021

Sarif

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Mohammad Arshad, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Arjun Attri, Advocate
for the complainant.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 202 dated 18.05.2021, registered under Sections 148, 149, 323, 324, 341, 506 of the IPC (Sections 325 and 307 IPC added later on) at Police Station Sadar Nuh, District Nuh.

The operative part of the order dated 01.07.2021, vide which the petitioner has been granted interim bail, is reproduced below:

“Counsel for the petitioner has relied upon the order dated 21.06.2021 passed in CRM-M No.23572 of 2021, vide which the coaccused of the petitioner have been granted the concession of interim anticipatory bail. The operative part of the said order, reads as under:-

“It has been contended by learned counsel for the petitioners that from the FIR the role attributed to petitioner No.1-Rahisan is that he attacked

Hussain with his baton upon his left thigh. Petitioner No.2- Mubarik caused injury to Hussain with a baton on fingers of his left hand and petitioner No.3-Sabir caused injury on the right hand of complainant Irshad. It has been further contended that regarding other injury attributed to petitioner No.2-Mubarik is that he gave lathi blow on the right arm of Wasim. However, all the injuries caused are under Section 325 IPC and the injury caused under Section 307 IPC is not attributed to them. In all, there are ten accused and the petitioners having been the members of unlawful assembly are named in the FIR with the aid of Sections 148 and 149 IPC.

The contentions raised are not disputed by learned counsel for the State. However, Mr.Arjun Attri, Advocate, who is appearing for the complainant, vehemently opposes the grant of anticipatory bail to the petitioners. He has asserted that all the petitioners are part of unlawful assembly and they had a active role in causing injuries to the complainant.

Notice of motion.

Counsel for the petitioner has further submitted that as per the allegations in the FIR, the injury invoking Section 307 IPC is attributed to Arshad, which is a head injury on the person of Faizan and the co-accused Shakur and Rahisan are attributed injuries to the injured Hussain, which is invoking Section 325 IPC. It is also submitted that the petitioner is attributed a lathi blow on the head of Wasim, however, the same is simple injury.

Notice of motion.

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 01.07.2021, has already appeared before the

SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Kailash, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 01.07.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

28.07.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No