

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

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**CRM-M No. 34707 of 2020
Date of decision: 28.01.2021**

Umar Mohd.

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana
for respondent-State.

Ms. Rosi, Advocate
for the complainant.

HARINDER SINGH SIDHU, J.

The case is taken up through video conferencing on account of COVID-19.

Prayer is for grant of regular bail in case FIR No.36 dated 25.01.2020 under Sections 148,149,323,324,325,326,506,285 IPC and Sections 25,54,59 of the Arms Act (Section 307 IPC added later on) registered at P.S Sadar Nuh, District Nuh.

The FIR was registered on the complaint of one Jamshed. He stated that there was previous enmity between the accused and the complainant party. On 24.1.2020, at about 3'o clock, he was sitting in the house of his uncle Unish. The accused armed with lathis, sticks, farsas, gun and stones came there. Junid fired from his gun with intention to kill Sarif Kha. Sarif Kha fell on the ground, as such, he was saved. Sher Mohammad

Azad, Vasim Akram, Umar Mohamad, Anasar, Kamalu and Sadam, who were having lathis and sticks in their hands, started brutally beating Sarif Kha, father of the complainant. Azad gave a lathi blow on the left leg, due to which Sarif Kha's left leg got fractured. Vashim gave a lathi blow on the right leg due to which it got fractured and Umar Mohammad gave a lathi blow on the shoulder of Sarif Kha due to which the hand of Sarif Kha got fractured. When the complainant tried to save him then Tasim, Faruq, Mohabat, Sahu, Hanif, Abdul and Chotu started beating him with lathis and sticks. They also caused injuries to Mobina, Asari, Sahil, Jarjis, Rafikan and Ajam. On hearing the noise, some other people came there and, thereby, the complainant and his father were saved otherwise the accused would have killed them.

Learned counsel for the petitioner states that the investigation in the case is complete and charges have been framed. The petitioner is in custody since 06.07.2020 and that because of current COVID-19 pandemic, the trial is not making any headway.

Without commenting anything on the merits of the case and also bearing in mind the custody period, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Umar Mohd. is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Learned counsel for the complainant has argued that the co-accused of the petitioner who are resident of the same village as of the complainant have been openly issuing threat to the complainant. It is apprehended that if the petitioner is released on bail he would also intimidate

the complainant. It would be open to the complainant to move an appropriate application for cancellation of the bail if the petitioner threatens or intimidates the complainant.

28.01.2021

Rajeev (rvs)

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No