

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

230

CRM-M-41973-2021

Date of Decision: 12.10.2021

Irfan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rakesh Sobti, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by ASI Amar Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.330 dated 23.10.2020 at Police Station Hathin, District Palwal, under Sections 148/149/323/324/506 IPC (Section 307 IPC added later on).
2. The FIR in question was lodged at the instance of Junaaid, wherein it is alleged that when he alongwith other members of the family were present in their fields, Tauhid and Istak caught hold of his father Ajmat. While Rafik gave injury on his foot, Jan Mohammad is stated to have given a blow with rod on the leg of Ajmat. It is alleged that accused Memuna and Irfan caught hold of Sakir while Lallu gave blow with '*lathi*' on his head.

3. Learned counsel for the petitioner has submitted that even if the allegations as leveled in the FIR are taken to be correct, still the only role that can be attributed to him is that he alongwith Memuna had caught hold of Sakir while Lallu gave a blow with *lathi* on the head of Sakir, which is a simple injury. Learned counsel has further submitted that it is the injury attributed to co-accused Rafik, who had caused an injury with a knife to Ajmat, which would attract an offence under Section 307 IPC and that since the petitioner is alleged to have merely caught hold of Sakir to whom a co-accused gave an injury with a *lathi*, the petitioner cannot be said to have shared any *mens rea* in respect of injury caused to another injured by another co-accused.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was part of an unlawful assembly, which inflicted injuries to two persons, he cannot escape from his liability. It has also been pointed out that the petitioner happens to be involved in one more FIR in respect of offences under Sections 323/506/148/149 IPC. It has been informed that the petitioner as on date has been behind bars since the last about 3 ½ months and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and the role attributed to the petitioner and also the fact that challan already stands presented, further detention of the petitioner will not

serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.10.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**