

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

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**CRM-M NO. 38551 of 2020
Date of decision :12.02.2021**

Sher Mohd. @ Sheru

.....Petitioner

Versus

.....Respondent

State of Haryana

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

(petitioner), Azad, Vasim Akram, Umar Mohamad, Anasar, Kamalu and Saddam, 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 complainant as well as State states that as per the statement under Section 161 Cr.P.C, of the injured Sharif Khan, he has been inflicted a blow with a farsa by the petitioner on his head.

Learned counsel for the petitioner has contended that as per MLR, injury on the head of Sharif Khan-father of the complainant recorded as simple caused with blunt weapon.

The petitioner is in custody since 09.10.2020 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 Sher Mohd. @ Sheru 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.

This present petition stands accepted accordingly.

Learned counsel for the complainant states that the accused are issuing threats on the Facebook to the complainant and other members of his family. He states that such threats have also been issued by the son of the petitioner.

Learned counsel for the petitioner assures that neither the petitioner nor any member of his family would issue any threat directly or indirectly to the complainant and his family during the course of the trial.

12.02.2021

Rajeev (rvs)

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No