

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5273-2022 (O&M)
Date of decision: 08.03.2022

Mohammad Rafi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Harsh Mehla, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. M.K. Pundir, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-8535-2022

For the reasons stated in the application, same is allowed and
Annexure P-5 is taken on record.

CRM stands disposed of.

CRM-M-5273-2022

Prayer in this petition is for grant of regular bail in FIR No.515 dated 02.10.2021 under Sections 148, 149, 323, 307, 506 IPC and Section 325 IPC (added later on), registered at Police Station Sadar Yamuna Nagar.

Learned counsel for the petitioner submits that as per allegations in the FIR, when the victim came to house of co-accused Wahab along with others including Farukh, on whose statement, the FIR has been registered, it was found that Rafi, Wahab, Ajmat, Mukram, Raseed, Aashiq, Akhtar, Mujahir, Aas Mohammaed, Moseem @ Lalu, Badlu, Dishad, Fauji, Arshad and others persons, who were present at the spot became annoyed. Thereafter, Rafi gave a gandasi blow on the head of victim Ahsaan, Aashiq gave danda blow to Manuvar, Raseed and Mujaheer gave danda blow to Salamudeen, Mukaram gave iron rod blow on Ahsaan and other persons attacked with brick bat.

Learned counsel further submits that the petitioner is aged about 52 years and there was function in the family of the petitioner and the complainant came at the spot to stop playing the DJ, which resulting into fight. It is also submitted that the petitioner is in custody for the last 04 months and 12 days and investigation is complete.

Learned State counsel has filed the custody certificate dated 07.03.2022 in the Court today and assisted by learned counsel for the complainant, has not disputed the factual position.

After hearing learned counsel for the parties, without commenting

anything on merits of the case and considering the facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

It is made clear that in case the petitioner is found misusing the concession of bail, it will be open for the complainant to apply for cancellation of same.

08.03.2022
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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No