

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-36226-2021 (O&M)

Date of Decision:- 24.5.2022

Meer Hassan @ Bhura

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-52195-2021 (O&M)

Momin @ Kala

... Petitioner

Versus

State of Haryana

... Respondent

(III)

CRM-M-1251-2022 (O&M)

Najim

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.C.Shahpuri, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Jaswinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned three petitions wherein petitioners Meer Hassan @ Bhura, Momin @ Kala and Najim, seek grant of regular bail in a case registered vide FIR No.68 dated 11.02.2021 at Police Station Sadar, District Yamuna Nagar, under Sections 148/149/307/323/324/332/353/506 IPC.
2. The FIR was lodged at the instance of ASI Gurmej Singh, wherein it has been alleged that on 11.02.2021 while he was present at Behram Chowk, Yamuna Nagar, he received a secret information to the effect that Meer Hassan indulged in smuggling of 'Smack' and that in case a raid is conducted he could be caught red-handed. Pursuant to receipt of said information, a raid was conducted by the police at a marriage palace in Village Lapara, where they tried to apprehend a boy who was standing near the marriage palace, but the said boy called several persons from the village, who were all armed with sticks and 'gandasis' and they attacked the police party. It is alleged that Sarun inflicted a blow with a 'gandasi' on the head of Akshay, while others also caused injuries to the police officials. It is the case of prosecution that Ikram @ Kala, Najim, Sarun, Katija, Shakina Farjana, Sameena @ Bhokar, Farida, Sani, Mosin and 10-12 other persons had attacked the police party.
3. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that a perusal of the FIR does not show that any specific role has been attributed to them. It has further been submitted that since several other

identically situated co-accused including Sarun who is attributed a specific injury and is alleged to have inflicted a blow with 'gandasi' on the head of Akshay have already been granted bail, the petitioners also deserves the same concession on the grounds of parity.

4. On the other hand, learned State counsel while opposing the petitions has submitted that since the entire incident had happened so as to ensure that Meer Hasan is not arrested, his complicity is clearly evident. It has further been pointed out that apart from the fact that the petitioners are specifically named in the FIR, in the disclosure statements evidence has surfaced to the effect that all of them have inflicted injuries. It has further been submitted that the petitioners are habitual offenders inasmuch as while Momin happens to be involved in 21 more cases, Meer Hassan stands involved in 20 more cases and Najim is involved in 2 other cases. It has also been informed that as on date only 1 out of the cited 23 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that all the three petitioners are named in the FIR. However, the FIR only discloses general allegations against all the accused to the effect that they had caused injuries. As per the medical evidence only two persons i.e. HC Vinod and one Akshay had sustained injuries. While HC Vinod is stated to have sustained 4 simple injuries, Akshay is stated to have sustained 2 injuries including one opined to have been caused with sharp edged weapon, but both the said injuries are simple in nature. The petitioners have

been behind bars for a period of ranging from 9 to 15 months. It is no doubt correct that two of the petitioners stand involved in large number of cases, but given the fact that no specific role is attributed to them and conclusion of trial is likely to consume time inasmuch as only 1 out of the cited 23 PWs has been examined and also while noticing that several co-accused have already been granted bail, the petitions are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. A photocopy of this order be placed on the file of each connected case.

24.5.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No