

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

Criminal Misc. No.M-36101 of 2022(O&M)

Date of Decision: September 21, 2022

Rijwan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Farukh Abdullah, Advocate
for the petitioner.

Mr.Aman Bahri, Addl.AG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.32 dated 28.03.2021 under Sections 148, 149, 323, 506 (Section 302 added later on) IPC, Police Station Uttawar, District Palwal, Haryana.

The incident took place on 27.03.2021 at about 1.30 P.M. FIR was recorded on the statement of Mustaq, who stated that he has a 'Kiryana store' at village Chowk. Shokat used to visit his shop for purchasing various items. Shokat paid some amount to the complainant. The complainant told him that he would return the balance after getting change, to which Shokat said that he did not have enough time to stand at the shop for such a petty thing. Shokat abused the complainant. The complainant tried to stop him from using abusive language. Shokat told the complainant to stay there and

went to call his family members. The complainant also went to home and narrated the story. At the same time, Shokat and his family members entered the house of the complainant. They were having *dandas* in their hands. Shokat gave a *danda* blow on the head of Sheru, father of complainant. Majid hit an iron rod on the head of Sheru. Hanif, Jamil, Mazsud, Akram, Najir, Rijwan (petitioner) and Rijwana, all armed with *lathis* and *dandas* broke into the shop of the complainant and hit him and his family members with their fists and also kicked them. On raising alarm, Mubbin and Rahim Baksh (uncle and grand-father of the complainant) along with other persons of village came to save the complainant and his family members. The uncle of the complainant was also given kick blows. Thereafter, the accused left the place threatening that they would eliminate the complainant and his family whenever they get a chance. Sheru was shifted to Nalher Medical College, where he was given first aid. Then Sheru was taken to All India Institute of Medical Sciences, New Delhi, where he succumbed to the injuries on 31.03.2021.

Ld. counsel for the petitioner contends that the petitioner has been falsely implicated in the case. Even as per the allegations, the injury, which proved fatal to the deceased, has not been attributed to the petitioner. During trial, Mustak and Wasim sons of Sheru (deceased) deposed as PW1 and PW3, respectively. Rahim Baksh father of the deceased appeared as PW2 and one Salim as PW4. All the above four witnesses did not support the prosecution version. They were declared hostile.

It is argued that all the material witnesses in the case have

testified before the Trial Court that the incident took place with some unknown persons. The petitioner is in custody since 02.04.2021.

In view of the above, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

September 21, 2022

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No