

(221)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14483-2024
Date of Decision: 01.04.2024

HAFIZ @ ABDUL HAFIZ

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amjad Khan, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.0017 dated 05.02.2024 registered under Sections 307, 506, 148, 149 IPC, 1860 at Police Station Amloh, District Fatehgarh Sahib.

2. The present FIR came to be registered at the instance of Jaisool Haq son of Abdal Tabaw and the same reads as under:-

“Statement of Jaisool Haq son of Abdal Tabaw resident of Vijnathpur Samoriya Police Station Kohra Katihar Bihar presently residing Sri Ram Ply Board Factory Village Shahpur Police Station Amloh District Fatehgarh Sahib aged about 24 years Mobile No.7404103905. Stated that I am resident of above address. I have been working as Labourer in Sri Ram Ply Board Factory from past 4/5 days and our labour contractor namely Mohammad Jamal son of Altaf Hussain is from our village. Prior to us, Abdal Contractor was working in this factory with his labour and

when we started working in this factory then work of Abdal Contractor got decreased. That they were giving life threats to me and my contractor Mohammad Jamal with his labour Shankar Mahapatar son of Dhijo Mahapatar resident of Jasuapur District Puri District Odisha, Umesh son of Narain resident of Goladiya District Bhadrak Odisha, Deepu Singh son of Ganga Singh resident of Basri Posi District Meharvansh Odisha presently residing at Sri Ram Ply Board Factory Shahpur Tehsil Amloh and yesterday i.e. 04.02.2024 at the time of closing of factory at about 10 PM, contractor Abdal was holding datar and Shankar holding 'soti', Tarlochan, Hafiz and Deepu holding 'soti' in their hands attacked us suddenly with their weapons with intentions to kill us and Contractor Abdal hit with his datar at my head and face ear with intentions to kill me and our Contractor Mohammad Jamal was hit by Shankar Mahapatar with 'iron dah' at his head and face and he started hitting repeatedly. Thereafter, Umesh, Tarlochan, Hafiz and Deepu Singh also started causing beating to us with their weapons and then I shouted for help and upon hearing my voices our other labour who were working in factory gathered there and upon seeing our labour gathering these above attackers fled from the spot with their weapons and they thrown my contractor Mohammad Jamal after nearly killing him and he fell unconscious. Reason for this attack is holding grudges because previous Contractor Abdal was working with his labour prior to us and when we came to work then their work got decreased due to which they intended to remove us from factory but we did not go from factory and therefore, all of them have attacked us with sharp edged weapons with intentions to kill us. Thereafter, our labourer colleagues took us to Jain Hospital Khanna and got us admitted there for treatment and we are undergoing treatment here. I have submitted my statement

before you and read over and heard the contents which are correct. Sd/- Jaimool (Hindi). ”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. From a perusal of the FIR, no *prima facie* offence was made out. Though, the petitioner had been shown to be armed with a stick, no specific or overt act had been attributed to him. As per the Medico Legal Report, all the injuries were blunt in nature and therefore, the offence under Section 307 IPC was not made out. As the petitioner was a first-time offender and in custody since 05.02.2024, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that the petitioner and his co-accused assaulted the injured causing serious injuries to the complainant. The nature of the allegations levelled against the petitioner and his co-accused did not entitle him to the grant of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 05.02.2024 and that no specific injury had been attributed to him.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 05.02.2024 and no specific serious injury has been attributed to him. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Hafiz @ Abdul Hafiz son of Rashid is

ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.25,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

01.04.2024
JITESH

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