

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23062-2023

Amjad and Others

.....Petitioners

Vs.

State of Haryana

.....Respondent

Reserved On.: 20.02.2024
Pronounced On: 22.02.2024

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. D.K. Brar, Advocate
for the petitioners.

Mr. Sumit Jain, Addl. AG, Haryana.

Mr. Nirmal Singh, Advocate
for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 Cr.P.C., the four petitioners namely Amjad, Sajid Khan, Aslam & Sarafat Ali all sons of Fazlu Rehman, prayed to grant them anticipatory bail in case FIR No.101 dated 22.04.2023 registered at Police Station Sadhaura, District Yamuna Nagar under Sections 148, 149, 323, 324, 452, 506 of the IPC (Section 326 of the IPC added later on).

2. As per prosecution allegations, on 20.04.2023 at about 10:00 A.M. Sahil, the nephew of complainant Parveen Khatoon resident of Prem Nagar Colony, Sadhaura was washing his canter outside the house, when petitioner Aslam came there and started abusing him. Complainant Parveen Khatoon pacified him and sent him home. However, after some time, all the four

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petitioners entered into the house of the complainant armed with weapons and attacked the complainant and her family members. Aslam gave sword blow hitting on the head of Sharfaj. When Aslam tried to give another hit to Sharfaj, complainant Parveen Khatoon came in between to save her son and the sword hit middle finger of her left hand. Sharafat then tried to inflict axe blow but it did not hit them. Sajid also tried to inflict sword blow but it missed. Amjad gave iron *bari* blows upon Muskan and Rubina causing internal injuries to them. Due to intervention of neighbors, the complainant and her family members were saved. On the statement made by Parveen Khatoon to the police, FIR was initially registered under Sections 148, 149, 323, 324, 452 & 506 of the IPC. After obtaining CT scan report of Sharfaj and X-ray report of Parveen Khatoon, section 326 of the IPC was added, as one of the injuries caused to complainant Parveen Khatoon was found to be grievous, caused by Sharafat.

3. Learned counsel for the petitioners contend that petitioners have been falsely implicated on the basis of improbable story; that petitioners had no occasion to trespass the house of the complainant; that all members of the family have been implicated; that role attributed to petitioners Sajid Khan and Sarafat Ali is only to the extent that they tried to attack the complainant party but could not do so. It is further submitted that Section 326 of the IPC has been added under political pressure; that petitioners have already joined the investigation in compliance of the order dated 08.05.2023 and so, in all these circumstances, the interim anticipatory bail granted to them be confirmed.

4. Opposing the bail petition, learned State counsel along with

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counsel for the complainant have drawn attention towards the fact that as many as six persons from the complainant side namely Vishakat, Sharfraj, Parveen Khatoon, Muskan, Jiya and Rubina have sustained injuries. Copies of their MLRs have been placed on record. All the petitioners were armed with deadly weapons and that one of the injuries caused to Parveen Khatoon has been opined to be grievous in nature.

5. However, it is conceded by learned State counsel on the basis of status report placed on record that pursuant to the interim anticipatory bail granted to the petitioners, all of them have joined the investigation. The weapons used by them in the crime have been recovered. Petitioners were formally arrested on 15.05.2023 and that after completion of investigation, final report under Section 173 Cr.P.C. has already been filed and case is now fixed before the Court for consideration on charge. Prayer is made for dismissal of the petition.

6. Heard.

7. As the copies of MLRs reveal that one injury found on the person of Muskan; two injuries each on the person of Jiya and Rabina are in the forms of complaints of pain only with no external mark of injury. No injury on the person of Vishakat is disclosed in the MLR. Three injuries each are stated to have been caused to Sharfraj and Parveen Khatoon and one of them in the middle finger of the complainant Parveen Khatoon has been opined to be grievous in nature. All the petitioners have since joined the investigation. Weapons allegedly used by them in the crime have already been recovered. Investigation is already complete and challan filed before the Court. In these

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circumstances, no purpose shall be served to arrest any of the petitioners.

8. Having regard to all the aforesaid facts and circumstances but without commenting anything on the merits of the case, the order dated 08.05.2023, whereby petitioners were admitted to interim bail, is hereby made absolute. However, it is subject to the condition that petitioners shall make compliance of the provisions of Section 438(2) Cr.P.C. and will not directly or indirectly, try to contact any of the prosecution witness associated with the case.

(DEEPAK GUPTA)
JUDGE

February 22, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No