

2024:PHHC:083626



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

109+221

**CRM No.25760 of 2024 in/and
CRM-M No.29037 of 2024 (O&M)
Date of Decision: 04.07.2024**

Khan Mohd. @ Khan Sahab

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Khalid Tauru, Advocate,
for the applicant-petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

CRM No.25760 of 2024

The application is allowed as prayed for and Annexure P-3 is
taken on record.

Main Case

1. The instant petition has been filed under Section 439 of
Cr.P.C. by the petitioner seeking grant of regular bail in case arising out
of FIR No.11 dated 11.01.2024 registered under Sections 148, 149, 323,

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324 and 506 of IPC and Section 25 of Arms Act at Police Station Sadar Tauru, District Nuh.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant Rasmina alleging therein that she was married with the petitioner on 11.06.2022. The members of her in-laws family used to quarrel with her on trivial issues and several times, panchayats were convened in this regard. She was trying to settle herself in her matrimonial house somehow, by bearing the atrocities at the hands of her in-laws. She alleged that on 05.01.2024, the members of her in-laws family formed membership of an unlawful assembly and in prosecution of common object of that unlawful assembly, her brother-in-law (Nandoi) Irfan firstly opened an attack upon her by striking a blow with a wood cutter (Plasi) on her head. To ward off the blow, the complainant raised her left hand due to which the bone of her arm was fractured. Her mother-in-law and sister-in-law also caused injuries to her. The petitioner instead of rescuing her, gave several kicks to her. She raised alarm and thereafter got herself locked in a room due to which she was rescued as someone had given information to her family members and then they came and had taken her to hospital. Initially, a case under Sections 148, 149, 323, 324 and 506 of IPC was registered. Subsequently, offence under Section 326 of IPC was added on receipt of report of the doctor. The petitioner was arrested on 22.03.2024. The co-accused Irfan was also arrested. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the

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petitioner is facing trial along with the co-accused Irfan. He had moved an application for grant of regular bail before the learned trial Court which had been dismissed vide order dated 23.05.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No injury has been attributed to him. The injury which was declared to be grievous in nature was attributed to co-accused Irfan. His custodial interrogation is no more required. No purpose would be served by keeping him in custody. Therefore, it is argued that he deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State. It is argued by learned State counsel that there are serious allegations against the petitioner and, therefore, he does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

6. The petitioner along with the co-accused and by forming an unlawful assembly with them, is alleged to have caused injuries to the complainant who was none other than his own wife. However, he is in custody since 23.03.2024. Investigation has since been completed. Challan has been presented in the Court. Trial is likely to take time. His further incarceration would not serve any useful purpose. Keeping in view the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to the petitioner's

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furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

7. Miscellaneous application(s), if any, also stand disposed of.

04.07.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No