



CRM-M-30311-2024

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

CRM-M-30311-2024

Date of decision: 16.09.2024

Nisar Ahmed and Another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate,
Mr. P.S.Bindra, Advocate and
Mr. Nikhil Thamman, Advocate for the petitioners.

Mr. Joban Singh Dhaliwal, Advocate for the complainant.

Ms. Avneet AAG, Punjab.

GURBIR SINGH, J.(Oral)

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in FIR No.100 dated 30.03.2024 under Sections 323, 307, 451, 506, 34 of IPC registered at Police Station Dera Bassi, District SAS Nagar Mohali.

2. Reply has not been filed by the learned State counsel.

3. The case in question was registered on the statement of complainant- Feroz that he had been running the meat shop and on 26.03.2024 at about 3.00 PM he along-with her brother in law namely Lal Mohammad were sitting on the said shop and talking to each other. In the meantime, Nishan, his son namely Aslam and his brother Ishrar came there and started abusing the brother in law of the complainant. The complainant

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asked them as to why they are abusing then Aslam picked the *daat* from the shop and gave a blow with *daat* at the back side of Lal Mohammad. When the complainant tried to stop him then Aslam gave *daat* blow on his left hand and his fingers were chopped and blood started oozing out from the fingers. Aslam gave another blow on his left arm. When Lal Mohammad tried to intervene then Ishrar caught hold of him and they started beating him then the complainant raised alarm the accused persons fled away with their respective weapons.

4. Learned senior counsel appearing on behalf of the petitioner has submitted that it is a case of version and cross-version. The cross version case was recorded on the statement of Petitioner No.1-Nisar Ahmed that on 26.03.2024 at about 4.00 P.M he was present along with his brother Ishrar near Masjid and were talking to each other where Lal Mohammad and Shamsher started arguments with Nisar Ahmed and they were holding the Krich in their hands. They gave the kirch blow on the left side of the head of Nisar Mohammad and Nisar Mohammad fell down on the ground and Shamsher gave the leg blow on the back side of the Nisar Mohammad and he raised the hue and cry. He further argued that no specific injury has been attributed to the petitioners. Both the sides are related to each other and have family connections. The parties have entered into the compromise which is annexed as Annexure P-2.

5. Learned State counsel has opposed the bail petition by contending that the offence is serious in nature and therefore they do not deserve concession of bail.

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6. I have heard the submissions of learned counsel for the parties and have gone through the paper book.

7. It is a case of version and cross version; both the parties are having family connection; no specific injury has been attributed to the petitioners; parties have entered into the compromise; petitioners are in custody since 30.03.2024 and completion of trial will take a long time, this Court deems it appropriate to release the petitioners on regular bail.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioners are directed to be released on regular bail, on their furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned with the further condition that petitioners shall surrender their passport in the trial Court and they shall get their mobile number(s) registered on the CIS to receive messages and shall not change their mobile number(s) during the pendency of the case except with prior permission of Court concerned.

9. It is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

16.09.2024

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