



244 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-33075-2024
Date of decision: 19th July, 2024

Sharuddin

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Saurav Bhatia, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
80	24.03.2024	Sadar Tavru, District Nuh	147, 149, 323, 324, 427, 506 of IPC, 1860 (Section 148 and 326 added later on)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant Farukh on 22.03.2024, alleging therein that he had filed a complaint against the Sarpanch of village Bhagoh qua digging of soil in an illegal manner. The said Sarpanch was exerting pressure upon him to withdraw the complaint but the complainant did not agree. He alleged that on the same day at about 2:00 PM, an information was received that some persons were cultivating his fields with tractors wherein wheat



crop had been grown and were damaging the raw crops. On hearing so, the complainant along with his sons Jaikam and Hakam rushed towards his fields and found the petitioner and co-accused cultivating his land in an illegal manner with four tractors. All of them were armed with weapons and were proclaiming that they would kill whosoever would come to them. The females of his family who were working in the nearby fields had also reached there in the meantime. The assailants then opened an attack upon his son Hakam. The accused Irfan and Munasir struck injuries on the person of his son with a sharp edged weapon wherein the petitioner struck blow with *lathi* on the wrist of his right hand. The remaining accused also caused injuries to him. When Jamsheeda wife of Hakam rushed for his rescue, she too was beaten. The complainant also reported that the victim Hakam had sustained several grievous injuries. After registration of FIR, investigation proceedings were initiated. Offence under Section 148 of IPC was added. The present petitioner was arrested on 08.05.2024. The weapon of offence was recovered from him. The investigation has since been completed and challan has been presented in the Court. The petitioner had moved applications for grant of bail before the Court of learned Additional Sessions Judge, Nuh which have been dismissed.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. There is delay of two days in lodging of the FIR and the possibility of making confabulations and concoctions can, therefore, not be ruled out.

No specific injury had been attributed to the petitioner. The injury which has



been opined to be grievous in nature has also not been attributed to the petitioner. The recovery of *danda* has already been effected from him. The trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. The subject offences are triable by Magistrate.

4. It is further argued by learned counsel for the petitioner that even he himself had sustained injuries in the incident and had been medically examined and had reported the matter to the police but no action has been taken. The injured Hakam and Jamsheeda had been admitted in the hospital after the incident, whereas the petitioner had been immediately got examined but this fact has also not been taken into consideration by the Investigating Agency. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

5. *Per contra*, it is argued by learned State counsel that there are serious and specific allegations against the petitioner. There are chances of his intimidating the witnesses, if extended benefit of bail. Hence, it is argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

7. The petitioner along with the co-accused is alleged to have formed membership of an unlawful assembly and in prosecution of common object of that unlawful assembly, he is alleged to have caused simple as well as grievous injuries upon the person of the son as well as daughter-in-law of the complainant. He is in custody since 08.05.2024. Investigation has since



been completed. Trial is likely to take time. The offences alleged against the petitioner are triable by Magistrate. Keeping in view the period of incarceration of the petitioner, the nature of the act attributed to him as well as the injuries sustained by the injured and the surrounding facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

19th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |