



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-34164-2024

Date of Decision:-13.08.2024

Khalil.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Farukh Abdullah, Advocate for the Petitioner.

Mr. Parveen Aggarwal, Deputy Advocate General, Haryana.

Mr. Azad Khan, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.278 dated 05.11.2022 under Sections 148, 149, 323, 341, 506 and 307 (Added later on) IPC registered at Police Station Pinangwan, District Nuh.

2. The present FIR came to be registered at the instance of Momin Khan which reads as under:-

“ To the SHO Police Station Pinangwa District Nuh. Subject: Application for legal action against Khalil S/o Rudar 2. Aasif S/o Khalil 3. Shokin S/o Sher Mohd. 4. Sher Mohd. S/o Rudar 5. Saifi S/o Hussain Kha. 6 Rahees S/o Mamrez 7. Kaif S/o Akhtar 8. Afzal S/o Hamid all residents Mudhaita P.S. Pinangwa District Nuh. Sir, I Momin Khan S/o Sarfudeen R/o Village Mudhaita P.S. Pinangwa District Nuh. On dated 27.10.2022 time near about 4:00 PM that I was going in my car to cultivate my field, on the way near their house Khalil S/o Rudar, Aasif S/o Khalil, Shokin S/o Sher Mohd. gave sign to stop my car then I stopped my car. When I had down my said glass



then Khalil caught me from neck and tried to pull me out of car then I tried to redeem then Khalil, Aasif, Shokin slapped me and Khalil said that pull him out side and kill then I saw I had seen that many persons coming my side with lathi, danda and weapon then I ran away my car and want away some how to save my life then accused person attacked upon my uncle son Waris S/o Rukhmadeen who was loading the bundles of grain in tractor by Sher Mohammad S/o Rudar, Saifi S/o Hassan Kha, Rahees S/o Mamrez, Kaif S/o Akhtar, Afsal S/o Hamid, Aasif S/o Khalil, Shokeen S/o Sher Mohammad colluding with each other by having lathi, danda and illegal weapon due to which waris received serious injury on head and when accused person were going that the threatening that today you saved if, you will meet in future then will kill you. So, Waris is now admitted in PGI, Rohtak under treatment. Who will tell about their injuries himself. Then due to injury Waris laying on field then Riyaz S/o Sarfudeen who was doing work in field nearby took the Waris for treatment at CHC Hospital Punhana. Where MLR of Waris was prepared there and due to head injury doctor referred him further. Sir, it is requested that kindly take appropriate legal action against above said accused dated 05.11.2022 Sd/-Momin Khan S/o Sarfudeen R/o Village Muthaida P.S. Pinangwa."

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was a delay of 08 days in the registration of the FIR. It was a case of version and cross version. Taking the allegations to be correct, no injury had been attributed to the petitioner. The injury attracting Section 307 IPC has been attributed to the Rahees Son of Mamrez. As the petitioner was a first time offender, in custody since 03.03.2024 but none of the 19 Pws had been examined so far, the Trial of the present was not likely to be concluded anytime soon and therefore he was entitled to the concession of bail.

4. The learned State counsel on the other hand has filed a Status Report dated 08.08.2024 by way of affidavit of Mr. Surender Singh, Deputy Superintendent of Police, Ferozpur Jhirka in the court today, which is taken on record. While referring to the said status report, he contends that the



allegations levelled against the petitioner and his co-accused were serious and therefore they were not entitled to the concession of bail. He however, concedes that it was a case of version and cross version, no specific injury had been attributed to the petitioner, that the injury attracting Section 307 IPC has been attributed to the co-accused Rahees and that the petitioner was a first time offender, in custody since 03.03.2024, but none of 19 Pws had been examined so far.

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 03.03.2024 but none of the 19 Pws have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.
9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Khalil** son of Sh. Rujdar 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.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 13, 2024
Vinay

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