

2024:PHHC:105090



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M No.37199 of 2024
Date of Decision: 13.08.2024

Abdul Rehman and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mohd. Jameel, Advocate,
for the petitioners.

Mr. Satjot Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioners seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
39	15.04.2024	City-1, Malerkotla, District Malerkotla	308, 323, 341, 506, 148 and 149 of IPC

2. Facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Abdul Gaffar alleging therein that swings had been installed in a vacant ground existing in front of his house on the occasion of Eid by Imtiaz. On 12.04.2024, the complainant along with his friend Mohammad Naushad visited the ground to see swings. The children of his locality were taking ride in the swings. In the

2024:PHHC:105090



meanwhile, the petitioners also reached there. They were seen doing indecent acts with the young girls of the vicinity who were taking ride on the swings. The complainant and his friend tried to prevail good sense upon both the petitioners and also advised the swing owner Imtiaz to be careful. On 14.04.2024, the complainant along with his friend Mohammad Naushad had gone towards the ground near the swings. The petitioner Mohammad Habib suddenly came from behind and struck blows on the head and ear of his friend Mohammad Naushad. Then the petitioner No.1-Abdul Rehman along with co-accused Agdas and three unknown persons reached there. The petitioner Abdul Rehman took bugda from his brother and struck a blow from its reverse side on the left arm of his friend. He tried to rescue his friend but was assaulted by accused Agdas who by taking bugda from petitioner No.1-Abdul Rehman struck blows with the same on the head and right leg of the complainant. As people gathered at the spot in the meanwhile, then therefore the assailants fled away by extending threats to kill them. The complainant and his friend were rushed to the hospital and were under treatment. After registration of FIR, investigation proceedings were initiated. The petitioners were arrested on 15.04.2024. Investigation has since been completed and challan has been presented in the Court. The petitioners had filed an application for grant of regular bail which had been dismissed by the Court of learned Additional Sessions Judge, Sangrur vide order dated 18.07.2024.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. Infact, it is a case of version and cross

2024:PHHC:105090



version as on 14.04.2024, the complainant and his friend Mohammad Naushad had asked the petitioner No.1 to get down from the swings while he was riding the same on the date of incident. They had hurled abuses to the petitioners and caused injuries to petitioner No.2. When the petitioner No.1 rushed for his rescue, then they had extended beatings to them. A DDR No.37 dated 24.06.2024 under Sections 323 and 325 read with Section 34 of IPC has been lodged against the complainant and Mohammad Naushad.

4. It is further argued that the petitioner No.2 is suffering from physical disability to the extent of 75% from lower limb. He is even unable to walk properly. Infact he had sustained injuries at the hands of the complainant party. They are in custody since 15.04.2024. Their custodial interrogation is no more required. The trial will take time. They have permanent abode and there are no chances of their intimidating the witnesses. Therefore, it is urged that they deserve to be released on bail.

5. Per contra, it is argued by learned State counsel that the petitioners with a common intention had voluntarily caused injuries with sharp edged weapon on the person of the complainant as well as his friend Mohammad Naushad with an intention to kill them. It is submitted that the allegations against them are serious in nature. There are chances of their intimidating the witnesses if extended benefit of bail. Hence, it is urged that the petition does not deserve to be allowed.

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

2024:PHHC:105090



7. The petitioners are alleged to have caused injuries with blunt side and sharp side of bugda on the person of the complainant and his friend Mohammad Naushad. A cross case in the form of DDR No.37 dated 24.06.2024 has been registered against the complainant and his friend. The petitioners are in custody since 15.04.2024. Investigation has since been completed. Trial is likely to take time. Both sides have sustained injuries in the incident. It is a matter of debate as to who was the aggressor and the same can be decided only on the basis of evidence to be led during trial. The custodial interrogation of the petitioners is no more required. No useful purpose would be served by detaining them in custody. Keeping in view the period of incarceration of the petitioners, the nature of the allegations as levelled against them, the fact that it is a case of version and cross versions and the attendant facts and circumstances of the case 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 petitioners are ordered to be admitted to bail subject to their furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

13.08.2024
manju

(MANISHA BATRA)
JUDGE

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