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

CRM-M-41718-2024**Date of Decision: 14.10.2024**

Aasif

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vishal Goel, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.987 dated 09.11.2022 registered under Sections 302, 34 of IPC (later on Section 302 deleted and Section 304 IPC added), at Police Station Chandni Bagh, District Panipat.

2. The FIR in the present case was registered on the basis of the statement made by Tajuddin son of Imamudin, who alleged that on 07.11.2022 his brother had gone to the house of his Aunt Shamsheeda. At about 12.00 a.m. in the night of 07/08.11.2022, Firoz informed the complainant telephonically that Ashif was having a scuffle with his brother Ajhrudeen. He requested Firoj that both the persons should be separated and he would reach there immediately. However, when he reached at the spot, he found that Ajhrudeen had been caused several injuries by Ashif, his father, his brother, his uncle Mehboob and one of his friends. The complainant took his brother Ajhrudeen to his room and took care of him. On 08.11.2022, he took Ajhrudeen to Civil



Hospital, Panipat again and the doctors declared his condition to be critical. The doctors at Civil Hospital, Panipat referred Ajhrudeen to Kalpana Chawla Medical College, Karnal and due to late night, the ultrasound could not be conducted and he brought his brother back to his rented accommodation. On the next day, again Ajhrudeen was taken to Kalpana Chawla Hospital, Karnal where he died due to the injuries suffered by him in the scuffle.

3. Learned counsel for the petitioner contends that in the present case, Ajhrudeen, injured was not provided the proper medical treatment by his family members and he died on the 3rd day of the incident. He further contends that even no specific injury has been attributed to the petitioner. Learned counsel has further referred to the testimonies of PW-2 Tajudeen and PW-3 Firoz (Annexures P-2 and P-3 respectively) and submits that both the material witnesses of the prosecution had not supported the version of the complainant. The petitioner was arrested in the present case on 17.11.2022 and only 08 witnesses, out of total 22 witnesses, have been examined so far.

4. On the other hand, learned State counsel has filed the reply by way of an affidavit of Deputy Superintendent of Police, Traffic, Panipat in Court today and the same is taken on record. She has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the main accused, who had caused injuries to the Ajhrudeen and Ajhrudeen had lost his life because of the injuries suffered in the scuffle and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.



6. It is apparent from the record that PW-2 Tajudeen and PW-3 Firoz have not supported the case of the prosecution and have turned hostile. Apart from that, the petitioner is in custody for the last 01 year and 11 months and was never involved in any other criminal activity.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

14.10.2024.
hemlata

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