

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-50530 of 2024
Date of decision: 21.10.2024

Sakir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mohammad Arshad, Advocate for the petitioner.
Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

Relief Sought

Prayer in the instant petition filed under Section 483 of BNSS, 2023 is for grant of regular bail in case FIR No.279 dated 05.11.2022 under Sections 148,149,323,341,506,325,285 IPC and Sections 25/54/59 of Arms Act, 1959 registered at P.S Pinangwan, District Nuh.

2. The Prosecution story set up in the present case as per the version narrated in the instant FIR reads as under :-

“To. SHO, Police Station Pingawan District Nuh. Subject: Application for filing legal action against 1. Tahir son of Dinu 2. Kasam son of Tahir 3. Hassam son of Tayyab 4. Jafrau son of Asu 5. Asu Badlu 6. Wasim son of Rafiq 7 Junaid son of Asu 8. Islam son of Ruddar alias Kallu 9 Kurshid son of Jumma 10. Azad son of Subba 11 Sapata son of Subba 12. Rasheed son of Basir 13. Siraj son of Jangli 14. Siraj son of Sodan 15. Farooq son of Sodan 16. Saddiq son of Sodan 17. Saqir son of Siraj 18. Ikram son of Siraj 19 Jita alias Isha son of Ibrahim 20. Sokat son of Ibrahim 21. Arshad son of Sorap 22. Samsher son of Sorap 23. Shahid son of Sorap 24. Zahid son of Asu 25. Naseem



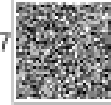
son Tayyab 26. Islam son of Aasu 27. Anjuman wife of Arshad 28. Mohammad Ali alias Mulli son of Naththu 29. Jamshed son of Parmal and others 8/10 all residents of Dugeja police station Pingawan district Nuh. Sir, I Iqbal son of Ishak am a permanent resident of village Dugeja police station Pingawan district Nuh and in the recently held Panchayat elections my wife Sanjeeda contested for the post of Sarpanch from Gram Panchayat Dugeja in which my wife won the election of Sarpanch. The other party Sunni, wife of Hasam contested the election and lost the election. Holding a grudge for this, on 04/11/2022, at about 08.30 in the morning, I and Issar son of Hayata, Jamshed, Sahun, Javed sons of Ishak were going on our motorcycles to give soil for the village Bubalhadi. When we reached near Zahid's house, Asu's son Junaid blocked our way by placing a tractor and the above-mentioned accused were also standing there with sticks and illegal weapons. When we turned our motorcycle back towards our house, Junaid drove his tractor behind us and tried to run the tractor over us. The above-mentioned accused also ran after us and when we somehow reached our house, the above-mentioned accused followed us and came inside our house. As soon as we entered the house, Hasam hit me with a stick on my left ankle, Islam hit me with a stick on my head and left knee. But Zahid hit me with a stick and when my brother Jamshed, Mufeed son of Noor Mohammad, Israel son of Hayata, my wife Sanjeeda and Rawiya wife of Jamshed, my brother Javed and Sahun tried to save me, then Tahir shot my brother Javed on his left hand with an illegal country-made pistol and Zafaru shot Mufeed on his left thigh with an illegal country-made pistol and the above- mentioned accused beat Jamshed, Israel, Sanjeeda, Sahun Date of Presentation and Rawlya who will themselves tell about their respective injuries as to which accused hit where and then Zahid, Qasim. Naseem and Waseem fired in the air with the Illegal weapon country-made pistol in their hands with the Intention of spreading terror. On hearing the noise of the fight, Amin son of Jasso, Sajid son of Hamid, Zakir son Qayam alias Baka, Haroon son of Qayam alias Baka and other people of the village came and saved us with great difficulty and while



leaving the culprits threatened that you have been saved today but the next chance will be taken to kill you. Then we did not take the injured to the government hospital where we were medically examined and Dr. Sahab referred all the injured to Nalhad Medical College where we were treated and are still undergoing treatment in Nalhad Medical College, now I have come to give you a request. Therefore, it is requested to you that appropriate legal action should be taken against the above culprits, it will be a great favor from you. Sd/- Iqbal. applicant Iqbal son of Ishak resident of village Dugeja. Police Station Pingawa, Mobile No. 9813735040 Police action: - Today my Si along with constable Sansar Chand No. 376/N was present for crime patrol investigation Dhana Mod Pingawa that Iqbal S/O Ishak R/O Dugeja, Police Station Pingawa met and submitted a typed application and MLR No. HG/21/2022 Iqbal, Dr. Saheb has recorded total 4 injuries KUO BLUNT and MLR No. HG/19/2022, In Sanjida, Dr. Saheb has recorded total 2 injuries KUO BLUNT and MLR No. HG/25/2022 Raviya, Dr. Saheb has recorded 1 injury KUO BLUNT and MLR No. HG/20/2022 In Ajane Israel, Dr. Sahab has written 2 injuries KUO BLUNT and MLR No. SH/700/2022 In Ajane Mufeed, Dr. Sahab has written a total of 1 injury and MLR No. SH/701/2022 In Ajane Javed, a total of 2 injuries ADV-X-RAY and MLR No. SH/702/2022 In Ajane Jamshed, Dr. Sahab has written a total of 3 injuries NCCT HEAD, ORTHO OPINION and MLR No. SH/703/2022 In Ajane Mufeed, Dr. Sahab has written a total of 3 injuries NCCT HEAD, ORTHO OPINION and MLR No. SH/703/2022 in Ajane Sahun, Dr. Sahab has written a total of 3 injuries NCCT HEAD, ADV-X-RAY OPINION. On the basis of the application and MLR, if it is found that the crime under sections 148,149,323,341,506 IPC is registered.”

During investigation of the case, the offences under Section 285 IPC and 25 of the Arms Act were added. Opinion about the injuries of injured Javed was obtained and injuries No.1 & 2 were grievous in nature being caused by fire arm. After obtaining opinion of Medical Officer about nature of injuries, the

offences under Sections 325 and 307 IPC were added.

**Contentions****On behalf of the petitioner**

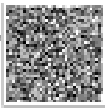
3. Learned counsel for the petitioner contends that it is a no injury case and only lacerated wounds are there as alleged and that the presence of the petitioner is also disputed. He further submits that it was the complainant party, who had attacked upon the petitioner as well as his family members and sustained injuries. The petitioner has approached this court for the second time after filing of challan as was suggested at the time when at the first instance bail petition was taken up.

On behalf of the State

4. The learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and submits that challan in this case was presented on 18.09.2024. He submits that the petitioner along with others had caused injuries to the complainant and his family members and that the petitioner remained absconding for about 20 months. He has filed the custody certificate of the petitioner, which is taken on record. According to the same, the petitioner is behind bars for almost 02 months 28 days.

Analysis

Considering the fact that challan in this case was only filed on 18.09.2024, therefore, argument qua prolonged trial does not carry any weight. After presentation of challan, case is fixed for framing of charges, therefore, there was no occasion for the trial Court to summon the prosecution witnesses, who are stated to be 28 in number, hence the argument of learned counsel does not hold any water. That apart, it has come on record that the complainant and other injured were medico-legally examined on the same day. Injuries No.1 & 2 suffered by Javed were declared grievous in nature and sustained by fire arms



The allegations against the petitioner are serious in nature. Moreover, from the perusal of FIR, it is apparent that the petitioner has been attributed specific active role. The trial is yet to begin in this case and therefore, the apprehension of the prosecution that, if released on bail, the petitioner may hamper the trial, cannot be ignored.

Keeping in view the seriousness, heinous and grave nature of offence and the factum of chances of influencing the witnesses in case the petitioner is released on bail, present petitioner deserves no merit.

Dismissed.

(SANDEEP MOUDGIL)
JUDGE

21.10.2024
manoj

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