



212/3 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
 AT CHANDIGARH

Date of decision:02.05.2025

(i) CRM-M-41340-2024

Rahish Mohammad ...Petitioner

VS.

State of Haryana ... Respondent

(ii) CRM-M-47671-2024(O&M)

Samshad alias Bila ...Petitioner

VS.

State of Haryana ... Respondent

(iii) CRM-M-52020-2024

Tahir ...Petitioner

VS.

State of Haryana ...Respondent

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

Present : Mr. Sahil Choudhary, Advocate
for the petitioner (in CRM-M-41340-2024).

Mr. Sandeep Saini, Advocate
for the petitioner (in CRM-M-47671-2024)

Mr. Arnav Ghai, Advocate
for the petitioner (in CRM-M-52020-2024).

Mr. Gurmeet Singh, AAG, Haryana.

Ms. Jasneet mehra, Advocate for
Mr. L.M.Gulati, Advocate
for the complainant.

**N.S.Shekhawat J.(oral)**

1. This order shall dispose off above-said three petitions i.e. CRM-M-41340-2024, titled as Rahish Mohammad Vs. State of Haryana, CRM-M-47671-2024 titled as Samshad alias Bila Vs. State of Haryana and CRM-M-52020-2024 titled as Tahir Vs. State of Haryana, whereby the petitioners have prayed for grant of regular bail to them in case FIR No.135 dated 25.05.2023 registered under Sections 120-B, 148, 302, 323, 324, 452, 506 of IPC read with Section 149 IPC, at Police Station Sadhaura, District Yamunanagar.
2. The FIR was initially registered on the basis of the statement made by Khaliq son of Anwar and the same has been reproduced below:-

“Statement of Khaliq S/o Anwar R/o Village Ismailpur, Police Station Sadhaura, District Yamuna Nagar aged about 22 years, Mobile No. 9541111861 stated that I am a resident of the above mentioned address and doing the work of Band Baja. We are four brothers and six sisters, my eldest brother is Manavar, younger to him is Tassavar, younger to him than is Sadam and I am the youngest to all of them, all my sisters are married. That the marriage of my eldest brother Manavvar was solemnized with. Imrana R/o Sarsawa and out of this wedlock Manvar has one son Saish and one daughter Rozy. On 24.05.20023, the retirement party of Abdul Hameed of my village was at Pooja Palace Sadhora, me and my family attended this party. After this party in the evening at about 5:30 PM, my brother Sadam took his bullet motorcycle and went to take fodder for the animals, that on the way Tushar S/o Rahish Mohammad and Mehtab S/o Dilshad R/o village Ismailpur, Police Station Sadhaura District Yamuna Nagar in front of his house stopped my brother Sadam and abused. The nearby people intervened and stopped this



quarrel and pacified the matter by extinguishing it and said that Tushar and Mehtab have now drunk alcohol and the matter will be resolved by sitting tomorrow morning. Regarding this abusing, the other party and we had given a complaint in the police station. Today in morning at around 08:30 AM Mehtab son of Dilshad @ Pammi R/o village Ismailpur, Police Station Sadaura district Yamunanagar came to our house and started abusing as soon as he came. Imtiaz s/o Dilshad R/o village Ismailpur, Police Statin Sadaura, District Yamuna Nagar carrying a sharp weapon (bicycle gear half-cut on an iron pipel in his hand and Tushar s/o Rahish Mohammad resident of village Ismailpur P.S. Sadhaura with an iron punch in his hand, Vicky @ Sanovar S/o Sharafat resident Kakrali, District Kurukshetra sharp edged knife in his hand, Shahid @ Petrol s/o Irshad resident of Ismailpur Irshad, a resident of Ismailpur who was carrying a knife in his hand and Zahir S/o Irshad R/o Ismailpur was having an iron rod in his hand, all the accused came at once and started attacking our house who were stopped by the surrounding people from quarreling and the quarrel was almost over. Later Irshad, Dilshad and Tahir son of Bashir R/O village Ismailpur came and started beating my brother Sadam, Tasavar, Manavar and me and sister-in-law Imrana wife of Manavvar and also started fighting with my mother Begum wife of Anwar. As soon as my brother-in-law Wajid son of Sahadat Ali resident of Sarsawa, District Saharanpur Uttar Pradesh and other people ran towards us to save me and my family members from assault, at that time Mehtab S/o Dilshad @ Pammi R/o Village Ismailpur,

P.S.

Sadaura, District Yamunanagar, Imtiaz s/o Dilshad R/o Ismailpur, P.S. Sadaura District Yamuna Nagar, Tushar s/o Rahish Mohammad I/o Village Ismailpur, P.S. Sadaura, Vicky @ Sanovar s/o Sharafat R/o Kakrali, District Kurukshetra, Shahid @ Petrol S/o Irshad I/o Ismailpur and Zahir S/o Irshad R/o Ismailpur attacked me and my brother Sadam, Tasavar, Manavar and my



mother Begum, father Anwar, sister-in-law Imrana etc. with the weapons carrying in their hands. Tahir son of Vashir resident of village Ismailpur hit Manavar in the head with a punch held in his hand. Imtiaz hit in front of the head of Manavar with a sharp edged weapon la bicycle gear half-cut on an iron pipel carrying in his hand due to which Manavar immediately fell down, Vicky @ Sanovar son of Sharafat stabbed knife in the Manavar's waist as soon as Manavar fell and after putting the knife he twisted the knife due to which profuse bleeding started from Manavar's waist. Tushar hit on the head of Manavar with the punch carrying in his hand. Mehtab S/o Dilshad @ Pammi R/o village Ismailpur, P.S. Sadhaura District Yamunanagar, Shahid @ Petrol S/o Irshad R/o Ismailpur and Zahir son of Irshad R/o Ismailpur also attacked Manavar when he was lying down with the weapons carrying in their hands and Irshad also attacked my brother Manavar who was lying down with a stick. Iushar punched me on my face and head and Zahir S/ Irshad hit me on the head, when I raised my right arm to save myself, then road of Zahir was hit on my right arm. Irshad hit me on the head with a stick held in his hand and threatened to kill me or my family. My brother-in-law Wajid with the help of other people, put my brother Manavar in our vehicle bearing No. HR 71 K-2437 and took him to the Community Health Center, Sadhaura where the doctor declared my brother dead after checking. Irshad, Dilshad and Tahir S/o Basheer R/o village Ismailpur, Mehtab S/o Dilshad @ Pammi R/o village Ismailpur, P.S. Sadhaura, District Yamunanagar, Imtiaz s/o Dilshad resident of village Ismailpur, P.S. Sadhaura District Yamuna Nagar, Tushar s/o Rahish Mohammad resident of village Ismailpur, P.S. Sadhaura, Vicky @ Sanovar S/ Sharafat resident of Kakrali District Kurukshetra, Shahid @ Petrol s/o Irshad R/e Ismailpur and Zahir s/o Irshad R/o Ismailpur in connivance with each other attack me and my family members and in the conspiracy of fight



Ajaz @ Ajju S/o Rahish R/o Ismailpur, Moin @ Moni s/o Dilshad R/o Ismailpur, Rahish s/o Shabbir 1/o Ismailpur, Shamshad @ Billa s/o Bashir R/o village Ismailpur, Praveen wife of Rahish resident of village Ismailpur, Rumi wife of late Asif resident of Ismailpur, Rukhsana wife of Irshad resident of Ismailpur, Gulshana wife of Shamshad resident of Ismailpur, Mumtaz wife of Dilshad resident of Ismailpur were also involved. Due to which me and my family received injuries and my brother Manavar s/o Anwar resident of village Ismailpur, Police Station Sadhaura, district Yamunanagar died. Legal action be taken against Irshad, Dilshad and Tahir s/o Basheer Wasian s/o Ismailpur, Mehtab S/o Dilshad @ Pammi S/ Village Ismailpur, P.S. Sadhaura, District Yamunanagar, Imtiaz s/o Dilshad R/o Ismailpur P.S. Sadaura District Yamuna Nagar, Tushar s/o Rahish Mohd R/o Village Ismailpur P.S. Sadaura, Vicky @ Sanovar S/o Sharafat resident of Kakrali District Kurukshetra Shahid @ Petrol s/o Irshad I/o Ismailpur and Zaheer s/o Irshad I/O Ismailpur and others as mentioned above. Today I have got recorded my statement to you, read, heard and is correct. Sd/- Khalik.”

3. Learned counsel appearing on behalf of Rahish Mohammad (petitioner in CRM-M-41340-2024) submits that in the FIR, the petitioner has been named as one of the accused, however, no specific role has been attributed to him. He further contends that the petitioner was not present at the place of alleged crime and even the police was aware of the said fact. However, the petitioner was arrested in the present case, after a delay of eight months under some political influence. By referring to the Attendance Register (Annexure P-2), learned counsel contends that on the date of incident, the petitioner was working as a guest teacher at Government Middle School, Kandiwala, where he was employed as a Sanskrit teacher. Even his attendance was duly recorded in



the register of the school and later on, his presence was wrongly shown at the place of occurrence. The petitioner was arrested in the present case on 25.12.2023 and is in custody since then. Apart from his presence at the place of occurrence, no other role has been attributed to him.

4. Learned counsel appearing on behalf of Samshad alias Bila (petitioner in CRM-M-47671-2024) submits that the petitioner has been named in the FIR, but no specific role has been attributed to him. He simply shown to be present at the place of occurrence. He further contends that even no recovery has been effected from him and had not participated in the occurrence. Learned counsel further contends that the petitioner was arrested on 24.06.2023 and is in custody since then.

5. Learned counsel appearing on behalf of Tahir (petitioner in CRM-M-52020-2024) submits that the complainant had made a futile attempt to implicate several members of the same family and the petitioner, who was not even present at the place of occurrence, has been wrongly named as one of the assailants in the present case. He further contends that it has been alleged that the petitioner had caused an injury with an iron punch on the head of Manovar, since deceased. However, the same injury has been attributed to Tushar, co-accused as well as Imtiaz, another co-accused. Learned counsel further contends that during the course of investigation, the police has shown the recovery of an iron punch from the present petitioner, however, as per FSL report, it was not blood stained, which clearly rules out the involvement of the petitioner in the crime. He further contends that even from the perusal of Post Mortem Report of Manovar (Annexure R-1), it is established that the injury on the upper part of the forehead of the deceased was not caused with an iron



punch. Learned counsel further contends that even the complainant side has concealed the genesis of the occurrence. In reality on 24.05.2023, the complainant party had forcefully trespassed into the house of the accused and had caused injuries to them. Even GD entry No.24 dated 24.05.2023 was entered in this regard, but no action was taken against the complainant party. The petitioner was arrested in the present case on 10.06.2023 and is in custody since then. Learned counsel further submits that in the present case, the statement of PW-1 Khaliq was initially registered and after recording his statement, the prosecution has moved an application under Section 319 Cr.P.C. for summoning additional accused in the present case. Learned counsel further contends that even 13 persons are already facing prosecution in the present case.

6. On the other hand, learned State counsel, assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioners on the ground that all the three petitioners had actively participated in the commission of crime. However, learned counsel admit that the petitioners are the first offender and were not involved in any other criminal activity in the past. Learned counsel also submit that the case is now listed on 14.05.2025 for disposal of the application under Section 319 Cr.P.C., which moved by the prosecution in the present case.

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

8. In the present case, it is apparent that two accused, namely, Rashid Mohammad and Samshad @ Billa have been named by the witnesses as the assailants, but no specific role has been attributed to both the petitioners. Even



Rashid Mohammad and Samshad @ Billa were allegedly present at the spot and no injury has been attributed to them. Moreover, as per the prosecution, Tahir was carrying iron punch and caused injuries on the head of the deceased. However, iron punch recovered from the petitioner was not blood stained and the prosecution is yet to lead evidence with regard to the involvement of Tahir in the present case.

9. At this stage, without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them to disclose such facts to the Court or to any other authority.*
- (ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.*
- (v) The petitioners shall also file their affidavits before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.*

- (vi) *In case, the petitioners involve in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.*

10. Pending applications, if any, stand also disposed of.

02.05.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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