

CRM-M-63281-2024

:1:

2025.PHHC.001135



231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63281-2024
Date of Decision:08.01.2025

TOSHIF

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Afjal Hussain, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Akram Hussain, Advocate
for the complainant.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case having FIR No.139 dated 08.05.2024 registered for the offences punishable under Sections 148, 149, 323, 452, 506, 326 of IPC at Police Station Punhana, District Nuh.

2. The allegations in nutshell are that at the time of occurrence, petitioner Toshif and his accomplices namely Mudassir and Kasam all of whom were armed with wooden dandas assaulted Umar Mohd., and Sajid. As per the record it is apparent that Mudassir gave danda blow on left eye of Umar Mohd., as a result of which left eye of Umar Mohd. was



permanently damaged. During investigation, the present petitioner was arrested.

3. Counsel appearing on behalf of petitioner *inter alia* submits that petitioner is falsely named in the FIR and otherwise no specific injury is attributed to the petitioner. That injury on left eye of Umar Mohd. is not attributed to the present petitioner who is in custody since 26.07.2024 and after completion of investigation, challan has been presented by the police but the trial is at its initial stage. It is further submitted that co-accused Kasam is already given benefit of regular bail vide order dated 28.11.2024 (Annexure P-3). In the given circumstance, no purpose is going to be served by prolonging the judicial custody of the petitioner.

4. Present petition is contested by the State Counsel as well as counsel for the complainant and both of them submit that there was common intention on the part of all three accused and in furtherance of the said common intention they attacked Umar Mohd. and Sajid and co-accused Mudassir caused grievous injury on left eye of Umar Mohd. with the help of wooden danda which resulted in permanent damage to his left eye. However, the State counsel on instructions from ASI Navneet has not disputed the fact that only simple injuries are attributed to the present petitioner who was armed with wooden danda at the time of occurrence and is incarcerated for the last more than 5 months and is having no criminal antecedents. The State counsel also apprised the Court that on culmination of investigation, challan has been presented but charges are



not framed till date against the accused persons.

5. I have considered the submissions made by the counsel for the parties.

6. Apparently, it appears that only simple injuries with the help of blunt weapon is attributed to the present petitioner and further co-accused Kasam is already given benefit of regular bail vide order dated 28.11.2024 (Annexure P-3). The petitioner is in custody for the last more than 5 months and is presently lodged in judicial custody and it will take time for the trial to terminate. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

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

08.01.2025

Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No