

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

CRM No.M-40881 of 2015

Date of decision: 10.12.2015

Amir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Jamshed Ahmed, Advocate
for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.373, dated 17.11.2012, registered under Sections 323, 325, 302 and 34 of the Indian Penal Code (for short 'IPC'), at Police Station Hathin, District Palwal.

It is contended that the petitioner has been falsely implicated in the instant case. The FIR was registered against 15 persons, however, during investigation, 11 of them were declared innocent and exonerated. The deceased Makhmul @ Handal died due to drowning in the canal. He further states that as per the post mortem examination, no injury was seen on the person of deceased.

The co-accused Abid and Abas have already been admitted to regular bail by this Court, vide order dated 21.08.2015. The petitioner is in custody since November, 2012.

On the other hand, the learned State counsel opposes the bail application and states that there are specific allegations against the petitioner in the FIR. The petitioner was armed with lathi at the relevant time and gave injuries to the deceased and after throwing the deceased in the canal did not allow him to come out. The learned State counsel, submits that the challan stands presented; charges have been framed.

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

There are specific allegations against the petitioner that he along with his co-accused after throwing the deceased into the canal did not allow him to come out. Keeping in view the key role of the petitioner and the gravity of the offence, no case for bail is made out at this stage.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

10.12.2015

sumit.k

(JITENDRA CHAUHAN)
JUDGE