

**CRM-M-9575-2016 (O&M)**

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

**CRM-M-9575-2016 (O&M).  
Decided on: March 17, 2016.**

**Fajjar**

**..... Petitioner(s)**

**Versus**

**State of Haryana**

**..... Respondent(s)**

**\*\*\***

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

**PRESENT Mr.Saleem Ahmed, Advocate,  
for the petitioner.**

**M.M.S. BEDI, J (ORAL).**

Petitioner allegedly as a member of an unlawful assembly indulged in rioting and assault in which co-accused Akhtar fired and killed Iliyas, the brother of complainant Deen Mohd.

Counsel for the petitioner has submitted that statement of Iliyas was recorded by the police on 21.9.2014 in which he named Zakir, Samsu and Sajid etc. but name of the petitioner was not mentioned in his statement. The petitioner was implicated in the case on the basis of subsequent statement of Deen Mohd., the brother of Iliyas recorded on 23.9.2014.

Counsel for the petitioner has urged that the petitioner is a disabled person as per certificate Annexure P3 and that he has been falsely implicated in the case on the basis of deliberations and consultations.

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After hearing the counsel for the petitioner and going through the documents placed on record, it is apparent that the petitioner has been attributed a specific role of having inflicted a lathi blow on the head of the complainant. It will be premature at this stage, to enter into the niceties of the trial and determine prima facie the culpability of the petitioner or his intentions when he was armed with a lathi and was allegedly a member of unlawful assembly and had participated in the same by inflicting injury on the complainant. The scope of granting anticipatory bail in a murder case is meagre. The plea of the counsel for the petitioner that there are about more than 100 affidavits ready to be furnished/already furnished in favour of innocence of the petitioner may constitute a good ground for the grant of regular bail but no extra ordinary exceptional circumstances exist for the grant of pre-arrest bail to the petitioner.

The petition is dismissed without prejudice to the right of the petitioner to seek concession of regular bail in accordance with law by surrendering before the competent authority.

**March 17, 2016.**  
**rka**

**(M.M.S. BEDI)**  
**JUDGE**