

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

**Crl. Misc. No.M-25365 of 2017 (O&M)
Date of Decision: October 06, 2017.**

Firoz Khan

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jasbir Singh Ahlawat, Advocate
for the petitioner (s).

Mr. Ashish Yadav, Addl.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

CRM-31841-2017

Application is for placing on record copy of challan as
Annexure P-3. The same is taken on record subject to all just exceptions.

Application stands disposed of.

CRM-M-25365-2017

The present petition has been filed under Section 439 Code of
Criminal Procedure for grant of regular bail to the petitioner in case FIR No.
728 dated 05.12.2015 registered for the offences punishable under Sections
148, 323, 341, 302 read with Section 149 of Indian Penal Code, at Police
Station City Sonipat.

As per the allegations of the prosecution, complainant along

with his family members had gone to receive his payment from Ash

Mohammad on 04.12.2015. When they reached his house, they were attacked by Ash Mohammad, his sons and other persons. Seven persons from the side of complainant received injuries and Rajesh, brother of complainant, died because of the injuries suffered by him.

Learned counsel for the petitioner has argued that petitioner is not named in the FIR. During investigation, the police has found the version of complainant regarding their visit to the house of accused as incorrect. Investigating Officer has found that complainant along with several other persons had gone to the house of Ash Mohammad where a dispute had taken place and wife of petitioner was stripped in the street.

Learned State counsel submits that police after completion of investigation, has presented the challan in the Court and the trial is at initial stage and even the statements of complainant and other injured witnesses have not been recorded. The petitioner, though not named specifically but has been addressed as son of Ash Mohammad, who has two sons and both have been attributed their role in causing injuries to complainant, deceased and other persons. Allowing of bail to the petitioner at this stage, will allow him opportunity to tamper with the prosecution evidence and to prevail upon the prosecution witnesses.

On perusal of the FIR and final report, I find that though the petitioner has not been addressed with his name but he has been addressed as son of Ash Mohammad. This is not disputed that Ash Mohammad has two sons and both have been referred in the FIR. It has been specifically mentioned that Ash Mohammad, his sons and cousin have caused injuries to Rajesh and other 5-6 persons. A *dang* was recovered from the petitioner

and death of Rajesh was caused due to injury caused by blunt weapon.

Keeping in view the above facts and that the trial is at initial stage, I do not find it to be a fit case, where benefit of bail can be granted to the petitioner at this stage.

This petition has no merits. Dismissed.

(SURINDER GUPTA)
JUDGE

October 06, 2017
Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***