

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

CRM-M-525-2017 (O&M)
Date of decision: 24.01.2017

SANJAY

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Surender Saini, Advocate
for the petitioner (s).

Mr. Neeraj Poswal, AAG, 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 FIR No.319 dated 22.09.2014, registered under Sections 148, 323 and 302 of the Indian Penal Code (for short 'the IPC') read with Section 149 IPC, at Police Station Sadar, Gohana.

The learned counsel for the petitioner contends that as per the postmortem report solitary injury i.e. on the head, was found on the person of the body, whereas five persons including the petitioner have been suffering the trial. He states that co-accused, Suresh has been admitted to bail by this Court vide order dated 04.07.2016. The petitioner is in custody since 22.09.2014.

On the other hand, the learned State counsel submits that the petitioner had some altercation with brother of the deceased. After the matter had been sorted out, the petitioner came to the house of the deceased and inflicted injury on the head with rod, which was recovered from the petitioner.

Heard.

Considering the specific allegation against the petitioner and the fact that weapon i.e. rod used in the crime was allegedly recovered from the petitioner, no case for bail is made out. It is further clarified that co-accused, Suresh was admitted to bail on humanitarian grounds as his son is known patient of blood cancer and was at a critical stage. Therefore, no parity could be drawn with co-accused, Suresh.

Dismissed.

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

24.01.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No