

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-3617 of 2018

Date of Decision: 09.10.2018

Azad

...Petitioner(s)

Versus

State of Haryana & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Shahbaz Thhind, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. A.S. Shera, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439(2) of the Code of Criminal Procedure, 1973 is for cancellation of regular bail granted to respondent no.2 by learned Additional Sessions Judge, Faridabad vide order dated 22.12.2017 passed in FIR No.513 dated 07.07.2016 under Sections 17, 148, 149, 323, 325, 506, 389, 302, 216 and 120-B IPC registered at Police Station Sector 55, Faridabad.

Learned counsel for the petitioner has argued that the petitioner has caused injuries to deceased Umar Shaid and injuries so inflicted supplemented the cause of death of Umar Shaid.

On the other hand, learned counsel for respondent no.2 has submitted that as per the post-mortem report, the cause of death of the deceased Umar Shaid was shock and brain hemorrhage due to ante mortem injuries to the vital organs of the body i.e. brain, major bone fracture.

I have heard learned counsel for the parties.

Learned Additional Sessions Judge, Faridabad, vide order dated 22.12.2017, has dealt with the injury attributed to respondent no.2 and found that the injury so attributed to respondent no.2, which was striking of *lath* against the face of the deceased, was not fatal in any manner. Even otherwise, no such injury on the mouth of the deceased has been pointed out by the petitioner.

Therefore, no ground for cancellation of bail is made out.

Dismissed.

However, it is made clear that the observations made hereinabove shall not be construed as any expression on the merits of the case.

October 09, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No