

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

CRM-M No.43357 of 2017

Date of Decision: 25.01.2018

Jakir

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Munish Sharma, DAG, Haryana.

None for the complainant.

Sudhir Mittal, J. (Oral)

Petitioner seeks concession of regular bail through the present petition filed under Section 439 of the Cr.P.C. in case FIR 38 dated 12.02.2017, registered at Police Station Nagina, District Mewat-Nuh, under Sections 120-B, 148, 149, 302, 323, 341 of the Indian Penal Code, 1860

Learned counsel for the petitioner submits that there are total four accused in this case, out of whom three have already been granted the regular bail by the trial Court. The cause of death as mentioned in the FIR is an abdominal injury whereas the role attributed to the petitioner is of causing *danda* blow on the back of the deceased. It is, thus, submitted that the injury allegedly inflicted by the petitioner did not cause the death of deceased. The petitioner has been in custody since 26.02.2017, challan

CRM-M No.43357 of 2017

has already been presented and the complainant has also been examined. Therefore, the petitioner may be released on regular bail.

On the contrary, learned State counsel submits that a very serious offence has been committed. There was a conspiracy amongst the accused persons to murder Iqbal and in pursuance of common motive, the accused persons inflicted injuries as a cumulative result of which, said Iqbal died. It is his submission that individual injuries caused by an individual accused are not relevant. He also submits that murder has been committed in a gruesome manner and therefore, the petitioner is not entitled for grant of regular bail.

It is a fact that the role attributed to the petitioner is of having caused a blow on the back of the deceased with a *danda*. A perusal of the FIR further reveals that one accused caused injury with a *Farsa* blow on the left hand of the deceased whereas the other accused have been attributed injuries to the complainant and his father. Thus, only the petitioner could have caused the injury resulting in the death of Iqbal.

In this view of the matter, it would not be appropriate to release the petitioner on regular bail, at this stage.

Petition is dismissed.

Any observations made herein are without prejudice to the merits of the main case.

[SUDHIR MITTAL]
JUDGE

January 25, 2018
Sachin/harish

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No