

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

CRM-M-55014 of 2018.

Decided on:- December 20, 2018.

Tayyub.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Rajendra Yadav, Advocate
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

HARI PAL VERMA, J.

The petitioner has filed present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.513 dated 07.07.2016 under Sections 147, 148, 149, 323, 506, 384, 302 and 120-B IPC registered at Police Station Sector-55, Faridabad.

The aforesaid FIR was registered at the behest of complainant Azad with the allegations that on 07.07.2016 at about 09.00 A.M., when he and his family members were coming out of Idgah to their village, on the way accused Tayyub son of Bhondu (petitioner herein), Sadiq son of Bhondu, Shabbir son of Bhondu, Juned son of Shabbir, Azad son of Tayyub, Javed son of Harun, Harun son of Mohd. Khan, Wasim son of Shabbir, Waqar son of Tayyub, Bashir son of Bona, Khalid son of Deenu, Nenu son of Shoukat,

Rajju son of Safi and others, all residents of Alampur in connivance with each other made a murderous attack on the complainant and his family with an intention to kill them with Lathi and Danda. Nenu son of Shaukat hit with a Lathi on the left side of the head of complainant. When Umarsed son of Shaukat came forward to save the complainant, accused Tayyub son of Bhondu (petitioner), Sadiq son of Bhondu hit Lathi blows on the head of Umarsed. Accused Shabbir son of Bhondu caused injury on the mouth of Umarsed. Accused Juned son of Shabbir also hit on the legs of Umarsed. Accused Azad and Javed also caused injuries to Umarsed and in this manner, other family members of the complainant, namely, Shahid son of Bajruddin, Sahabu son of Ajmal Khan, Adil son of Ayyub, Nasir son of Rahmuddin, Javed son of Rahmuddin were also given beatings and caused injuries by accused Harun son of Mohd. Khan, Wasim son of Shabbir, Waqar son of Tayyub, Bashir son of Bona and Khalid son of Deenu with Lathi and Danda. There is an old enmity between the parties and an FIR No.757 of 2013 under Sections 147, 149, 323, 325, 341 and 506 IPC is already registered against the accused persons at Police Station Sector 55, Faridabad for which the accused are pressurising the complainant and his family members to compromise. Since the matter was not being compromised, the accused have caused the injuries to the complainant party.

During investigation and after obtaining the medical record of injured Umarsed, the offence under Section 307 IPC was added in the FIR, but due to the injuries received in the incident Umarsed died on 10.07.2016,

the offence under Section 302 IPC was added in the case and the petitioner was arrested on 11.07.2016.

Learned counsel for the petitioner has argued that the petitioner was arrested on 11.07.2016 and since then, he is in custody. The other co-accused, namely, Shabbir, Azad, Harun, Waseem, Waqar, Khalid, Nannu, Kasim, Shaukin and Juned have already been released on bail. Even otherwise, the offence under Section 302 IPC was added at a later stage. The daughter of the petitioner is of a marriageable age. The conclusion of trial will take a long time and the petitioner has no connection with the offence so alleged.

On the other hand, learned State counsel has argued that the allegations against the petitioner are serious in nature as he along with other co-accused had caused injuries to Umersed due to which he died on 10.07.2016 and as such, the petitioner is not entitled to be released on regular bail.

I have heard learned counsel for the parties.

The plea of the petitioner that he is in custody since 11.07.2016 and has a daughter of marriageable age is not a relevant consideration when he is accused for committing an offence under Section 302 IPC, though added subsequently as injured Umersed had expired because of the injuries sustained by him in the incident. The allegation against the petitioner is that he along with co-accused Saddik had caused injuries on the vital part of the body of Umersed, which proved fatal.

Therefore, considering the nature of allegations levelled against the petitioner, which are serious in nature, this Court finds that no ground for grant of regular bail to the petitioner is made out.

Accordingly, the present petition, being devoid of any merit, is dismissed.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 20, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No