



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

**CRM-M-14387-2025
DATE OF DECISION: 02.04.2025**

SAKIB

.....PETITIONER

VERSUS

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Afjal Hussain, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J

1. **Relief**

The jurisdiction of this Court under Section 439 Cr.P.C has been invoked 2nd time by the petitioner for the grant of regular bail in FIR No. 162 dated 07.06.2023 registered under Sections 302 and 34 IPC (Sections 25, 25(8) of Arms Act added later on) at P.S. Dhauj, District Faridabad.

2. **Facts**

Prosecution story set up in the present case as per the version in the FIR reads as under :-

‘Statement of Mohammad Yunus s/o Mahmood R/o Village Kureshipur aged 40 years Mobile No. 9306235682 stated that I am resident of above mentioned address and I am running a



bakery in my village. I have five children, out of which four boys and one girl. Eldest son whose name is Mohammad Kaif is 21 years old and on dated 04.06.2023 my son MohammadKait was married to Shama d/o Saddik r/o Village Dhirnaki police station Hathin District Palwal. During the marriage of my son Mohammad Kaif had a fight with a boy of our village boy namely Sakib regarding purchasing of some goods, but to maintain peace in the marriage the matter was suppressed. But yesterday on 06.06.2023, I alongwith my son Mohammad Kaif were going to Jama Masjid for ISA ki Namaj and I had entered Masjid bu my son Mohammad Kaif was standing at the gate of masjid at that time Sakib, Sajid, Najmu and Jabir who were sitting in shop constructed near to the gate of masjid and while keeping a grudge over the issue of purchase of article Sakib, SAjid, Najmu and Jabir started beating Mohammad Kaif. In the meanwhile Sajid, Najmu and Jabir all together caught hold of my son Mohammad Kaif from his hand and legs and Sakib started giving injuries to my son on his chest, stomach and other part of his body using scissor kept in the shop due to which my son was bleeding badly and was shouting. In the meanwhile, my friend Arif s/o Yasin r/o Village Kureshipur while passing from the street heard the noise and went to the shop where he saw that Sakib, Sajid, Najmu & Jabir all together were beating my son upon which Arif got released Mohammad Kaif from the assailants and called me by shouting loudly to the shop. I went to the shop, Sakib, Sajid, Najmu Jabir ran away from there. I alongwith my friend Arif picked up my son Mohammmad Kaif and take him to BK Hospital Faridabad in ECO Car of Sharukh 'so Ash Mohammad, where Doctor after checking my son Mohammad Kaif declared him dead. The dead body of Mohammad Kaif has been kept in mortuary of BK Hospital for postmortem. It is requested that strict legal actions be taken against Sakib, Saijd, Najmu and Jabir i.e. killers of my son Mohammad Kaif.'



3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He points that the material witnesses including the complainant, PW-13-Arif-eye-witness have not supported the case of the complainant and have been turned hostile, as such no useful purpose would be served by keeping the petitioner in custody.

On behalf of the State

On the other hand, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for 1 year and 8 months. Learned State Counsel on instructions from the Investigating Officer opposes the prayer for grant of regular bail stating that the fatal injury has been attributed to the present petitioner. Moreover, a country made pistol was also recovered from the possession of the present petitioner.

4. Analysis & Conclusion

The allegations against the petitioner are of a grave and serious nature. It is alleged that he inflicted multiple blows with a pair of scissors on the chest, abdomen, and other parts of the body of the deceased, Mohd. Kaif, which have been established as the cause of death. The role of the petitioner is significantly more serious than that of the co-accused, Sajeed, whose involvement was limited to



restraining the deceased. Furthermore, a country-made pistol was recovered at the instance of the petitioner, and forensic analysis has confirmed that the bullet recovered from the body of the deceased matches the firearm recovered from the petitioner.

Additionally, out of a total of 21 prosecution witnesses, 17 have already been examined, indicating that the trial is progressing at a satisfactory pace.

In light of the aforementioned circumstances, particularly the petitioner’s role in causing the fatal injury to the deceased, no ground is made out for granting the relief of regular bail at this stage. Accordingly, the present bail application is dismissed for lack of merit.

(SANDEEP MOUDGIL)
JUDGE

02.04.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No