

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

CRM No. M-11588 of 2015 (O&M)

Date of Decision: 13.07.2015.

Deepak Mittal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.S. Mehendiratta, Advocate for the petitioner.

Mr. M.S. Sidhu, Additional Advocate General, Haryana.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.349 dated 27.12.2014, under Sections 328/302/34 IPC (challan presented under Sections 306/34 IPC) and Sections 13A-3/67 of the Public Gambling Act, registered at Police Station Civil Lines Kaithal, District Kaithal.

Counsel for the parties have been heard.

Deceased in the present case is Gaurav. FIR under Sections 328/302/34 IPC was registered initially on the statement of Raj Kumar i.e. father of the deceased. As per the initial statement, allegations were with regard to the present petitioner, namely, Deepak Mittal and co-accused, Puneet Kumar having administered sulfas tablets to his son. Gaurav is stated to have expired on 27.12.2014.

It has gone uncontroverted that on 28.12.2014, Raj Kumar suffered a supplementary statement and as per which his son Gaurav had

been indulging in cricket betting for the last 2/3 years along with the present petitioner as also Kuldeep and other friends. Complainant has stated that Gaurav owed a lot of money to Kuldeep, Deepak (present petitioner) and some other friends on account of betting. It is further alleged that all the accused had been pressuring Gaurav to return the money which they had lent to him for betting purposes and it was on account of such pressure and harassment that Gaurav had consumed sulfas tablets.

Petitioner was arrested on 17.01.2015. Upon completion of investigation, challan has been presented by the Investigating Agency on 27.02.2015 under Sections 306/34 IPC and Section 13A-3/67 of the Public Gambling Act.

The issue as to whether against such allegation, offence under Section 306 IPC would be made out against the present petitioner would be a moot question to be considered during the course of trial.

It would be apposite to take note that Puneet Kumar, co-accused has been found to be innocent during the course of investigation.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, he is held entitled to the concession of bail.

Petition is allowed.

Petitioner, namely, Deepak Mittal be enlarged on bail subject to the satisfaction of trial Court/Duty Magistrate, Kaithal.

Disposed of.

13.07.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**