

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 16088 of 2015
Date of decision: 28.5.2015

Sunil and another

....Petitioners

vs.

State of Haryana

....Respondent

CORAM: - HON'BLE MR. JUSTICE MAHESH GROVER

Present: - Mr. A.P.S.Deol, Sr. Advocate with
Ms. Sagarika, Advocate for the petitioners.

Mr. Aditya Sanghi, Addl. AG, Punjab

.....

Mahesh Grover, J (Oral)

This is a petition under Section 439 of the Criminal Procedure Code for grant of bail in case FIR No. 246 dated 30.11.2013 registered under Sections 302/34 of the Indian Penal Code at P.S. Bawal.

The facts as per FIR is that this is a dispute between the neighbours over cleaning of dirty water drain. It is alleged that the petitioners along with several others of the same family attacked the deceased Ramphal. One Suresh is alleged to have given spear blow on the mouth of the deceased while others are alleged to have given beating to the deceased with *lathies* and *dandas*.

Learned counsel for the petitioners with reference to the post mortem report and the testimony of doctor (PW-2) contends that the solitary injury on the deceased is on the inner

aspect of the upper lip on right side and the cause of death has been attributed to heart condition, which resulted in a natural death.

It is stated that the petitioners are in custody from 30.11.2013 and deserve the concession of bail considering the aforesaid material. Besides, it is stated that no other injury has been found on the person of the deceased except one, which is attributed to Suresh.

Learned State counsel on the other hand would point out to the serious nature of the occurrence where one person died and contended that the petitioners do not deserve the concession of bail as the trial is also in progress.

After hearing learned counsel for the parties, I am of the opinion that considering the fact that the dispute indicates a trivial issue with the possibility of an aggravated version coming on record and noticing the nature of injuries and also the testimony of the doctor attributing the death of the deceased to a natural cause would entitle the petitioners to bail. Hence, without commenting upon the merits of the case, the present petition is accepted. It is directed that the petitioners shall be released on bail in terms of Section 439 of the Criminal Procedure Code. Bail to the satisfaction of the learned trial Court.

Nothing said herein shall be construed to be an expression on the merits of the case.

28.5.2015
preeti

(MAHESH GROVER)
JUDGE