

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-32134-2015
Date of decision:24.9.2015**

Manphool	Versus	...Petitioner
State of Haryana		...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Kshitiz Sharma, Advocate for the petitioner.
Mr.Ashish Yadav, Addl. A.G., Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.227 dated 18.7.2014 registered under Sections 306 and 323 of the Indian Penal Code at Police Station Ellenabad.

Learned counsel for the petitioner submits that the only allegation against the petitioner is that deceased was having undesirable relations with the daughter of the petitioner, because of which petitioner gave him thrashing. Thereafter deceased went to his house and left a suicide note while taking extreme step of committing suicide naming petitioner therein. He further submits that since even charge has not been framed, conclusion of the trial will take some time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Nihal Singh, Police Station Ellenabad, submits that though initially there were five accused but challan has been presented only against the petitioner, he being the main accused. He further submits that since the allegations are direct and serious against the petitioner, he is not entitled for bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that petitioner has been found entitled for bail pending trial. It is so said because it is the deceased himself who entered the house of the petitioner and that too at about 11.00 p.m. If the petitioner gave thrashing to the deceased, in such a situation, it would be a debatable issue before the learned trial Court as to whether petitioner exceeded his right of defence or not. Further since the charge has not been framed so far, conclusion of the trial will take some time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, the instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

24.9.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE