

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-34107 of 2015 (O&M)
Date of decision: 20th November, 2015

Sunil alias Pappu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Ajay Chauhan, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana,
for the respondent(s)-State.

Mr. R.A.Sheoran, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner has preferred the instant petition under Section 439 Cr.P.C. seeking regular bail in case FIR No.137 dated 17.05.2015, registered at Police Station Dadri, District Bhiwani, under Sections 304, 449, 506, 34 IPC.

Notice of motion was issued.

Learned State counsel as well as learned counsel for complainant appeared and contested the instant petition.

I have heard learned counsel for the petitioner, learned State counsel as well as learned counsel for complainant and have gone through the record.

In the present case, the challan has already been presented and charges have been framed but no prosecution witness has been examined so far. As per FIR, only injuries with 'wooden fatti' have been allegedly caused to Om Parkash. Learned counsel

for the petitioner has brought to the notice of this Court the opinion of the doctor (Annexure P-4) where the cause of death is mentioned as 'Cardiac Pathology'. The doctor has specifically stated in the said opinion that the injury cannot cause the death. Learned counsel for the petitioner has also brought to the notice of this Court that the injury shown in the postmortem report (Annexure P-2) is only swelling of size 4 x 2 cm present on left forearm. It is also mentioned in the said postmortem report that the injuries mentioned in the police papers are not present. The petitioner is in custody since 16.07.2015. He is not required for any investigation or interrogation purposes as he is now facing the trial.

Therefore, keeping in view the facts and circumstances of the present case and without discussing the facts of the case in minute details and without expressing any opinion on the merit of the case, the present petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Bhiwani.

20th November, 2015
mamta

(INDERJIT SINGH)
JUDGE