

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-39298 of 2015

.....

Date of decision:30.11.2015

Amit

...Petitioner

v.

State of Haryana

...Respondent

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

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

Mr. Himmat Singh, Assistant Advocate General, Haryana for  
the respondent-State.

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**Inderjit Singh, J.**

The 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 City, District Bhiwani, under Sections 304, 449, 506 and 34 IPC.

Notice of motion to Advocate General, Haryana.

On the asking of the Court, Mr. Himmat Singh, learned State counsel appeared and contested the instant petition.

I have heard learned counsel for the petitioner and learned State counsel 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 post-mortem report (Annexure P-2 ) is only swelling of size 4 x 2 cm present on left forearm. It is also mentioned in the said post-mortem 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. The co-accused Sunil alias Pappu has already been granted the benefit of regular vide order dated 20.11.2015 passed in Cr. Misc. No.M-34107 of 2015. Therefore, on the basis of parity, he is entitled for the benefit of regular bail.

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.

November 30, 2015.

**(Inderjit Singh)**  
**Judge**

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