

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

Crl. Misc. No.M-41092 of 2015

Date of Decision: 09.12.2015

Mukesh and another

....Petitioners

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Sanjay Vashisth, Advocate
for the petitioners.

Mr. B.S. Virk, D.A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioners in case FIR No.680 dated 16.09.2015 registered under Sections 148, 149 and 306 IPC (subsequently added Section 323/34 IPC) at Police Station Sadar, Karnal, District Karnal during pendency of the trial.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the case due to party faction in the village as there was a dispute between the parties regarding *panchayati* elections. He further submits that no specific role has been attributed to the accused petitioners and even the exact cause of death is yet to be ascertained because no FSL report has been received. Learned counsel also submits that the allegation of giving beatings has not been supported by any medical evidence and no external injury was found on the person of deceased as per post-mortem report. The petitioners are in custody since 17.09.2015 and nothing is to be recovered from them as neither any

suicide note was left by the deceased nor any other connecting evidence is there to show the abetment. Only the challan has been presented and even the charge has not been framed. No useful purpose would be served by keeping the petitioners behind bars.

Learned counsel for the respondent-State opposes the bail of the petitioners on the ground of seriousness of offence.

Heard the arguments of learned counsel for the parties and have also perused the allegations in the FIR.

In view of the submissions made by learned counsel for the petitioners and also the fact that the petitioners are in custody since 17.09.2015 and only the challan has been presented; charge has not been framed; even the FSL report has not been received; trial may take long time to conclude and no useful purpose would be served by keeping them in custody, the present petition is allowed and the petitioners are directed to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court.

09.12.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE