

Criminal Miscellaneous No.M-7278 of 2015
Date of Decision: *April 21, 2015*

Manjeet

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Mr. Lakhwinder Singh Sidhu, Advocate, for
the petitioner.

Mr. Vikas Chopra, Deputy Advocate General,
Haryana.

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Jaspal Singh, J

1. This petition under Section 439 Cr.P.C. has been
moved by Manjeet seeking bail in case FIR No.360 dated
December 29, 2013 under Sections 328, 302 IPC registered at
Police Station, Beri, District Jhajjar.

2. In brief, case of prosecution is that on January 23, 2013, Police Post, PGIMS, Rohtak informed Police Station that Deepak (deceased), resident of Dighal had been brought dead at PGIMS, Rohtak. On getting information, ASI – Pawanvir Kumar alongwith other police officials reached PGIMS, Rohtak where Rajbir, father of deceased, got recorded his statement to the effect that he is an ex-serviceman. On January 22, 2013, some friends of his son Deepak had come to meet him. Deceased, in company of his friends, had consumed smack while sitting in courtyard (Poli) of Jagdish son of Duli Chand. Since Deepak had got intoxicated, he slept in the house of Jagdish. Later on, he came to know that Deepak had died on account of consuming some intoxicating substance. He brought his son Deepak to PGIMS, Rohtak where the doctor declared him dead. His son Deepak had died either on account of extreme cold (hypothermia) or on account of excessive intoxication. He got recorded that he has satisfied himself about the fact that there is no foul play in causing the death of his son. As such, proceedings under Section 174 Cr.P.C. were conducted and dead body was handed over to the Wards of deceased.

3. It is pertinent to mention here that on receipt of report from Forensic Science Laboratory which revealed cause

of death to be due to consumption of organo phosphorus poison, a case was registered under Sections 328, 302 IPC against unidentified persons. ASI – Suresh Kumar carried out investigation during which he arrested petitioner Manjeet and his co-accused Darshan, Ram Chander, Balram and Sandeep. After completion of investigation, he presented challan.

4. As per contention of learned counsel for petitioner, neither name of petitioner figures in FIR nor any other direct or circumstantial evidence could be collected by investigating agency against him. There is only a confession of petitioner which was got recorded by police under pressure and coercion during the period petitioner was in police custody. Moreover, co-accused of petitioner, namely, Balram @ Balla and Darshan have already been granted concession of bail by learned Sessions Judge, Jhajjar after presentation of challan.

5. It is an undisputed fact that death of Deepak has occurred due to consumption of poisonous substance i.e. organo phosphorus and it is debatable question whether petitioner had administered the same or it was consumed by Deepak of his own. Even otherwise, death of Deepak did take place on January 23, 2013 whereas FIR was registered on December 29, 2013.

6. Petitioner is in custody since February 17, 2014.

No doubt, challan has already been presented and trial is pending in the court of Sessions Judge, Jhajjar, but disposal thereof is likely to take long time. Case of petitioner is not on different footings than that of his co-accused Balram and Darshan who have already been granted concession of bail. In view of above referred facts but without expressing any opinion on merits, this Court is of considered view that petition deserves to be allowed.

7. Ordered accordingly. Petitioner is ordered to be released on bail subject to furnishing of bail/surety bonds to the satisfaction of Chief Judicial Magistrate, Jhajjar.

April 21, 2015
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(Jaspal Singh)
Judge