

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No. 12256 of 2016 (O&M)

Date of Decision: 26.05.2016

Ram Chander

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Radhe Shyam Sharma, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for the respondent/State assisted by ASI Mohan Lal.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of Cr.P.C., is for grant of regular bail on behalf of the petitioner-accused-Ram Chander in case FIR No. 499, dated 14.10.2015, for offences punishable under Sections 302, 34 of the Indian Penal Code, registered at Police Station Bhuna, District Fatehabad.

As per allegations of the complainant-Raj Kumar, on 14.10.2015 at 5.00 p.m., he and his father Hukan Chand and wife Giandev were harvesting crop in their fields, when Ox of the neighbour-Ram Chander (petitioner-accused) drifted into their fields, damaging the crops. A fight ensued whereby petitioner-accused inflicted a brick blow on the mouth, chest and left hand thumb of the father of complainant, namely, Hukam Chand. The wife and two daughters of petitioner-accused also inflicted kicks and fists blow upon Hukam Chand, resulting into his death.

Upon investigation, two accused daughters have been found innocent and the challan is stated to be presented against the petitioner-accused, while the co-accused-wife is on anticipatory bail.

It is contended that none of the injuries attributed to the petitioner invite the offence under Section 302, IPC, moreso, when a sudden fight had ensued. Still further, it is submitted that as per the opinion of Board of Doctors dated 06.05.2016, the cause of death has been opined to be "*Cardiac arrest Secondary to Myocardian Inferaction*". Thus, it is contended that no offence is made out. It is further submitted that the petitioner is in custody since 15.10.2015.

Learned State Counsel, assisted by ASI Mohan Lal, is unable to refute the alleged role and the aforesaid opinion of the Board of Doctors specifying that Hukam Chand (father of complainant) had died because of "*heart failure*".

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period as well as role attributed to the petitioner; and the opinion of Board of Doctors, no useful purpose would be served by keeping the petitioner-accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

May 26, 2016
'dk kamra'

(JASWANT SINGH)
JUDGE