

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

**CRM-M No.13283 of 2016 (O&M)
Date of Decision: 19.05.2016**

Sunder and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Parthasakha Datta, Senior Advocate assisted by
Mr. Kartar Singh, Ms. Komal Sorout and Mr. Arundom Dey,
Advocates for the petitioners.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State assisted by ASI Mahender Singh.

Mr. Lajpat Sharma, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioners/accused, namely, Sunder and Mahavir in case FIR No.66 dated 11.02.2016, under Section 302, IPC (converted into Section 304-A, IPC but charges have been framed under Section 304, IPC) and Section 136 of the Electricity Act, registered with Police Station Hodal, District Palwal.

As per the allegations of the complainant-Charan Singh, on the evening of 10.02.2016, both the petitioners-accused had called Rahul (since deceased) from his house and took him to the field of petitioner no.1-Sunder, and thereafter forced Rahul to climb up the electricity pole and due to leaking of electric current, Rahul was electrocuted and died.

It is contended that it is not in dispute that Rahul was the friend of both the petitioners and there was no previous history of any discord

between them. In the investigations conducted by the police, it has come on record that the petitioners along with Rahul were trying to disconnect the wire of H Pole of the field of accused-Sunder and Rahul had climbed the pole and due to a live electric line, Rahul had died due to the electric shock suffered. Accordingly, it being a case of accidental death, the offence was reduced to Section 304-A, IPC and Section 136 of the Electricity Act by the Investigating Agency. It is next submitted that there is no material on record to suggest that Rahul was forced by the petitioners to climb the pole.

The petitioners are stated to be in custody since 14.02.2016 and after presentation of the challan, charges have been framed and the evidence of 18 cited prosecution witnesses is yet to commence.

Learned State Counsel, assisted by ASI Mahender Singh, does not dispute that the charge has been amended to Section 304, IPC and the evidence of 18 cited prosecution witnesses is yet to commence.

Learned Counsel for the complainant opposes the grant of bail.

It is highly debatable whether the case would be made out under Section 304, IPC or under Section 304-A, IPC.

Without commenting on the merits of the case, keeping in view the above and the fact that trial is not likely to be concluded in near future, this Court finds that petitioners-accused deserve the concession of regular bail and as such they are ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 19, 2016
Gagan

(JASWANT SINGH)
JUDGE