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

CRM-M-37341 of 2016 (O&M)

Date of decision: December 14, 2016

Hawa Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Sukhdeep Parmar, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.83 dated 23.02.2016, under Sections 148, 149, 302, 120-B of Indian Penal Code, 1860, registered at Police Station Madlauda, Panipat, petitioner was arrested on 24.02.2016 and is in jail since then. The challan has admittedly been filed.

Learned counsel for the petitioner argues that there is no specific allegation particularly attributed to the petitioner-Hawa Singh regarding causing of injury to the deceased and on the contrary, the medical opinion shows that there is only one injury caused to the deceased-Pale Ram and the doctors opined that he has died because of cardiac arrest. He further argues that this Court earlier vide orders dated 23.09.2016 and 04.10.2016 has granted bail to co-accused, namely Kaptan and Rajesh @ Kala respectively.

I find that the petitioner cannot rely on the abovesaid two orders as their role is totally different to the petitioner. In so far as the

present petitioner-Hawa Singh is concerned, he has alleged to have assaulted Pale Ram, but then there is no specific attribution to him as to what injury and what weapon he used. The medical opinion, however, shows that there is only one injury that is too termed as simple injury and the opinion is that Pale Ram has died due to cardiac arrest as he was having heart decease.

In that view of the matter, the petitioner is entitled to grant of bail. However, care will have to be taken to protect the interest of the prosecution witnesses.

Hence, this petition is allowed. Petitioner be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned who may impose such conditions as deem fit and proper. Petitioner shall not enter Madlauda, District Panipat same and except the dates of appearance before the trial Court. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

December 14, 2016
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No