

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

CRM-M-39823-2016
Date of decision : 18.11.2016

Beera Ram

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Saurabh Sharma, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana,
assisted by ASI Sumer Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in Complaint No.226 dated 16.10.2012, under Section 302 read with Section 34 of the Indian Penal Code pending before the Court of learned Judicial Magistrate 1st Class, Kaithal.

Contents that the petitioner was riding pillion with the deceased on a motorcycle which met with an accident on 19.07.2012. After the accident, the deceased Ramesh suffered serious injuries. The petitioner removed the deceased to General Hospital, Kaithal, from where he was further referred to PGIMER, Chandigarh. He succumbed to the injuries on 22.07.2012. FIR No.225 dated 22.07.2012, under Sections 279 and 337 IPC was registered against unknown persons, and ultimately, untraced report was prepared on the basis of the statement made by father of the deceased, which is pending consideration. Without there being any evidence against the present petitioner, a complaint was made on 16.10.2012. It has been alleged that the petitioner had illicit relations with the wife of the deceased, who is a co-accused. However, there was no reference of this allegation

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either during the lifetime of the deceased-husband of co-accused Pinki, or after the death of aforesaid Ramesh. The petitioner is in custody since 29.09.2016. The petitioner is not involved in any other case.

On the other hand, learned State counsel has opposed the instant petition.

Heard.

Keeping in view the fact that there is a delay in moving the instant complaint, the petitioner is in custody since 29.09.2016 and he is not involved in any other case, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

18.11.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No