

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

Date of decision:30.03.2016

Sukhcharan Singh @ Rupri

.....Petitioner

v.

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.AK Walia,Advocate for the petitioner

Mr.Yashwinder Singh,DAG Haryana with SI Shiv Narain

Mr.Pardeep Singh Mirpur,Advocate for the complainant.

Jaswant Singh,J.(Oral)

Prayer is for grant of regular bail in case FIR No.83 dated 7.4.2015 under Sections 302/34 IPC, PS Kalanwali,Distt.Sirsa.

As per prosecution case deceased Gurjant Singh was employed as a Chowkidar in a Primary School in the Village. On 6.4.2015 at around 7 pm after taking his meals he had gone to the school and found the present accused and co-accused Kuldip Singh doing exercise in the Gym of the School. Upon objection, they gave beatings to him and caused injuries. Gurjant Singh returned home and went off to sleep. In the early hours of the morning he was found dead.

It is contended that from the post mortem examination report, it is evident that there were only four injuries of the nature of

abrasions/bruises on the hand and back i.e. non-vital parts of the body.

Even as per report of the Doctor, the cause of death has been opined to be a heart attack and therefore, no offence under Section 302 IPC is made out. Further, petitioner is stated to be in custody since 14.4.2015 and evidence of 16 cited Pws is yet to commence.

Learned State counsel on instructions is unable to refute the aforesaid factual aspects. He concedes that the cause of death has been opined to be heart failure.

Without expressing anything on the merits of the case, keeping in view the fact that the challan has been presented and the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner in custody, the present petition is allowed and petitioner is directed to be released on bail subject to the satisfaction of CJM/Duty Magistrate, Sirsa.

Disposed of.

30.03.2016
joshi

(Jaswant Singh)
Judge