

218-B

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

CRM-M-41587 of 2016 (O&M)

Date of decision: December 14, 2016

Satyawan and another

.....Petitioners

Versus

State of Haryana

.....Respondent

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

Present: Mr. Ashwani Talwar, Advocate for the petitioners.

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, 120-B, 302 & 305 of Indian Penal Code, 1860, registered at Police Station Madlauda, Panipat, petitioner No.1 was arrested on 01.03.2016 whereas petitioner No.2 was arrested on 24.02.2016 and are in jail since then. The challan has admittedly been filed.

Learned counsel for the petitioners argues that there is no specific allegation particularly attributed to the petitioners 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 petitioners cannot rely on the abovesaid two

orders as their role is totally different to the petitioners. In so far as the present petitioners are concerned, they have alleged to have assaulted Pale Ram, but then there is no specific attribution to them as to what injury and what weapon they used. The medical opinion, however, shows that there is only one injury on the person of the deceased-Pale Ram and 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 petitioners are 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. Petitioners 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. Petitioners shall not enter Madlauda, District Panipat same and except the dates of appearance before the trial Court. Petitioners shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

December 14, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No