

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

CRM-M No. 43412 of 2015 (O&M)

Date of Decision: 12.01.2016

Anil and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. J.P. Dhull, Advocate
for the petitioners.

Mr. Kuldip Tiwari, Addl. A.G., Haryana
for the respondent/State assisted by ASI Ramesh Kumar.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the two petitioners/accused brothers, namely, Anil and Devender, in case FIR No. 95, dated 18.05.2015, for the offences punishable under Sections 302, 323, 341, 506 and 34 of the Indian Penal Code, registered at Police Station Julana, District Jind.

As per allegations lodged by deceased-Phooli (complainant) herself, at about 7'O Clock, on 14.05.2015 in the morning, accused-Rajpati alongwith her co-accused Murti Devi and her son Devinder had stopped the complainant's son-Anil in the street and started beatings and abusing him. When Smt. Phooli tried to rescue her son-Anil, Seema wife of Virender and present accused/petitioner No. 1-Anil son of Ram Chander came there and gave beatings to her and her son-Anil and gave injuries on their bodies with bricks, kicks and fists. The complainant-Smt. Phooli Devi ultimately died on 21.05.2015 while admitted in PGIMS, Rohtak.

Learned counsel for the petitioner submits that both sides are the members of same family and there is a land dispute between them. It

is further contended that it is Anil (petitioner No. 1 herein), who has been attributed an injury on the non-vital part of the deceased, whereas petitioner No. 2-Devender has been attributed injuries on the son of the complainant, which are simple in nature and no weapons have been used. It is further contended that even the cause of death opined is due to *"Injuries on Cervical Cord and its Complications."* It is also contended that even the eye-witness account of Anil (son of complainant) shows that there was absolutely no intention to cause death as is further reflected from the *situs* of the alleged injuries and no weapon being used. That apart co-accused-Rajpati and Murti have since been granted bail by this Court vide orders dated 04.12.2015 by passing a detailed order.

The petitioners are stated to be in custody since 21.05.2015.

Learned State Counsel, assisted by ASI Ramesh Kumar, does not refute the contention regarding the custody period of the petitioners, as also the bail of co-accused persons.

Without commenting on the merits of the case, keeping in view the facts noticed above and the custody period of the petitioners, no useful purpose would be served by keeping the petitioners/accused in custody, the present petition is allowed and the petitioners are ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

January 12, 2016
'dk kamra'

(JASWANT SINGH)
JUDGE