

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

**CRM-M No.5419 of 2016 (O&M)
Date of Decision: 19.02.2016**

Manoj Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Preetwinder Singh Dhaliwal, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by ASI Sukhjinder Singh.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused in case FIR No.95 dated 13.06.2015, under Sections 302/34 of the Indian Penal Code, registered with Police Station Maur, District Bathinda.

As per the allegations of the complainant-Brij Lal, his younger son-Ravnik Kumar was married to Rekha, who is the daughter of the present petitioner/accused-Manoj Kumar and *Bhaanji* of the co-accused/non-applicant-Swaran Singh. There was a matrimonial dispute between said Rekha and Ravnik Kumar and on that account, on 12.06.2015 at about 8:00 PM, the present petitioner/accused-Manoj Kumar had visited the house of Ravnik Kumar. In the meanwhile, the elder son of the complainant, namely, Rajinder Kumar came at the house.

The allegations against the present petitioner/accused-Manoj Kumar and the other non-applicants Swaran Singh and Mahinder Kaur are that on seeing Rajinder Kumar, they got angry and threw chairs at him, which hit him on his chest. The said Rajinder Kumar was taken to the Civil Hospital and is stated to have died.

The role attributed to the present petitioner/accused-Manoj Kumar and co-accused/non-applicant Swaran Singh are of having thrown chairs at Rajinder Kumar, which hit him on his chest.

It is contended that as per the MLR, Rajinder Kumar had three superficial injuries on his chest and scratches on his face (allegedly inflicted by co-accused Mahinder Kaur). It is next submitted that as per the Post Mortem Report, the cause of death was due to hypertension. Thus, no offence under Section 302, IPC is made out at all.

The petitioner is stated to be in custody since 17.07.2015 and after completion of the investigation, discharge application has been moved by the prosecution.

Learned State Counsel, assisted by ASI Sukhjinder Singh, concedes regarding the custody period, as also that an application for discharge of the accused has been moved by the prosecution.

Without commenting on the merits of the case, keeping in view the custody period and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

February 19, 2016

Gagan

**(JASWANT SINGH)
JUDGE**