

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-6448 of 2016 (O&M)
Date of Decision: 01.3.2016

Sanjay

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Ashit Malik, Advocate for the petitioner.

Mr. Deepak K. Grewal, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.58 dated 24.4.2015 under sections 302, 34 I.P.C registered at Police Station, Rajound, District Kaithal.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the statement of Bhim Singh. Deceased in the present case is Krishan i.e. brother of the complainant. Allegations are with regard to Krishan having been assaulted on the intervening night of 23/24.4.2015 and having been given slaps, fist and kick blows by the present petitioner as also Karam Chand, Pardeep @ Kala and Ashok Kumar.

Challan qua the present petitioner was presented on 10.6.2015.

As per Post Mortem Report of deceased Krishan, reddish brown abrasions were noticed on his ankle, nose, neck and elbow. As per report of the Chemical Examiner from the samples of liver, spleen, kidneys, heart, stomach, small and large intestines and blood from heart positive findings for Ethyl Alcohol to the extent of 80.5% have been recorded.

Contention raised by counsel appearing for the petitioner that deceased was addicted to alcohol, would prima facie carry weight.

Under such circumstances, issue with regard to offence under section 302 I.P.C being made out against the present petitioner would be a moot question to be considered during the course of trial.

Petitioner was arrested on 24.4.2015.

During the course of arguments, it has gone uncontroverted that Karam Chand, Pardeep @ Kala and Ashok Kumar and against whom there were similar allegations and who had been found innocent during the course of investigation, have now been summoned to face trial as additional accused vide order dated 20.11.2015, passed by the learned Additional Sessions Judge, Kaithal on account of an application under section 319 Cr.P.C moved by the prosecution having been allowed. The trial, as such, would start *de novo* and would take time to conclude.

In the totality of circumstances and in view of the observations made herein above, which are confined only as regards consideration of the prayer for grant of benefit of regular bail, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Kaithal.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

01.3.2016
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