

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

CRM -M-12214 of 2017 (O&M)

Date of decision: 23.05.2017

Pardeep @ Kaliya

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. M.K. Tanwar, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Vijay Sangwan, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 23 dated 25.02.2016, registered under Sections 302, 506 read with Section 34 of IPC, at Police Station Satnali, District Mohindergarh.

The learned counsel for the petitioner refers to the statement of PW-5-Dr. Ankit Yadav to contend that the deceased was under the influence of liquor and 57.5 miligram ethyl alcohol was noticed in one ml of blood. The fact of taking alcohol by the petitioner as well as the deceased is also made out from Annexure P-2, the proceedings carried out under Section 175 Cr.P.C, the statement of Pawan Kumar, who has stated that it was a dark night and nothing was

visible. He further states that there is an unexplained delay of 07 days in lodging the FIR. The petitioner is in custody since 20.04.2015.

On the other hand, learned State counsel opposes the bail application and states that the details given by the doctor with regard to likely condition of the deceased appears to be an exaggerated version. However, he fairly admits that there is a delay in lodging the FIR.

I have heard learned counsel for the parties and perused the record.

Considering the statement of PW-2 Pawan Kumar who stated that it was dark and nothing was visible; the medical evidence placed on record and the fact that there is a delay of 07 days in lodging the FIR, coupled with the fact that the injuries noticed on the person of deceased as per doctor could be suffered due to fall in the well; the examination of material witnesses creates favourable circumstances in favour of the petitioner, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

23.05.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No