

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

CRM-M-28055 of 2017
Date of Decision: 07.10.2017

Sandeep

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Vishal Aggarwal, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana.
Mr. Sahil Khurmi, Advocate, for the complainant.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 439 Cr.P.C. has been made for grant of regular bail to petitioner Sandeep in a case arising from FIR No.166 dated 21.11.2016 under Sections 302, 323, 34 and 506 IPC registered at Police Station Bapoli.

According to the prosecution, petitioner caused injuries with pipes and rods to complainant Tajuddin and his brothers Sheruddin and Tajuddin on account of which Sheruddin was declared brought dead by the medical officer.

Learned counsel for the petitioner *inter alia* contends that there is no report till date that Sheruddin died on account of the injuries caused by the petitioner. Rather there is overwhelming medical record that Sheruddin died on account of coronary artery disease. According to the post-mortem report, Sheruddin received eight injuries on different parts of his body in the shape of abrasions and all were simple in nature. The material prosecution witnesses have been examined. The petitioner is behind bars since

22.11.2016. The conclusion of trial will take a long time.

On the other hand, learned counsel for the complainant, assisting the learned State counsel, vehemently opposed prayer for grant of regular bail.

It is not disputed by the learned State counsel that the material prosecution witnesses have already been examined. Learned State counsel also could not show any medical record/report proving the cause of death of Sheruddin on account of the injuries allegedly inflicted by the petitioner.

Considering over-all facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner is ordered to be released on bail, on his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

October 07, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

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