

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-29006 of 2017(O&M)
Date of Decision : 08.09.2017

Deepak Kundu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Anshumaan Dalal, Advocate for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General,
Haryana.

Anupinder Singh Grewal, J.(Oral)

The petitioner is seeking regular bail in FIR No. 311, dated 08.09.2016, under Section 302 IPC, registered at Police Station Civil Lines, District Sonapat.

Learned counsel for the petitioner contends that even as per the contents of the FIR, the petitioner was empty handed and is alleged to have beaten up the deceased with fists and kicks. The petitioner as well as the deceased were students of ITI Sonapat and were residing in the Hostel of the Institute, where an altercation between the two had taken place. Learned counsel contends that as per the post-mortem report, no external injuries were found on the body of the deceased. Learned counsel further states that the petitioner has been in custody for over one year since the date of his arrest on 08.09.2016.

Learned State counsel upon instructions from ASI Kuldeep Singh states that as there were no external injuries on the body of the deceased, definite opinion about the cause of death could not be found regarding the death and the matter was referred to the Board of Directors for its opinion. He has produced a copy of

the medicolegal report furnished by the Medical Officer, Civil Hospital, Sonapat, wherein, it is stated "No Definite Opinion regarding the Cause of Death can be given in this case. However, in the absence of any external injuries on the body of deceased and taking into the consideration the circumstantial evidence, the remote possibility of death due to vasovagal shock can not be ruled out." Learned State counsel also contends that 05 out of 15 prosecution witnesses have been examined and the matter is now listed before the trial Court on 19.09.2017 for examination of the remaining prosecution witnesses.

Heard.

The incident is the outcome of a sudden fight between students. The petitioner was empty handed and is stated to have caused only blows with his fists and kicks to the deceased. He has been in custody for over one year. There are no external injuries on the body of the deceased. Definite opinion regarding the cause of death has not been formed by the Board of Directors. The conclusion of the trial is likely to take some time as 10 more prosecution witnesses have to be examined. I deem it a fit case to grant concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner, namely, Deepak Kundu is ordered to be released on regular bail on her furnishing requisite bail bonds to the satisfaction of the trial Court/Duty Magistrate.

September 08, 2017
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes
No