

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

CRM M-39823 of 2017.

Date of Decision: 02.11.2017.

Irshad @ Bhullar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Sunil Panwar, Advocate and
Mr. Dhananjay Singh, Advocate,
for the petitioner.

Ms. Mahima Yashpal, AAG Haryana.

Mr. D.S. Matya, Advocate,
for the complainant.

JITENDRA CHAUHAN.J.(ORAL)

This is second bail application filed under Section 439 Cr.P.C seeking bail in case FIR No.122 dated 28.03.2015 registered under Sections 302, 323 and 324 read with Section 34 IPC at Police Station Tauru, District Mewat (Nuh).

Learned counsel for the petitioner contends that the petitioner has been attributed *Farsa* blow from the sharp side on the head of the deceased. Learned counsel refers to MLR carried out at Park Hospital, Gurgaon on 27.03.2015 which does not notice the incised injury. As per the post-mortem report, the cause of death has been stated to be due to cranio-cerebral damage consequent upon blunt

force trauma to head suffered by the deceased as a result of injury No.1. The petitioner is in custody since 07.04.2015. All the prosecution witnesses have been examined. However, in the interregnum period, the complainant has filed petition bearing No. CRM M-30776 of 2017 to summon additional witness wherein this Court was pleased to order that the pronouncement of the final judgment by the trial Court shall remain stayed. The record of the trial Court has also been requisitioned.

On the other hand, the learned counsel for the complainant and State submit that the petitioner is the main accused. The death is the result of injury caused by the petitioner. However, the learned State counsel, on instructions that the petitioner is not involved in any other FIR.

Heard.

Considering the fact that in view of the order passed in CRM M-30776 of 2017, uncertainty has descended with regard to conclusion of the trial and taking into consideration the antecedents of the petitioner i.e he is not involved in any other FIR and the period of custody undergone by him, without commenting on the merits of the 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 trial Court/duty Magistrate concerned.

The petitioner shall surrender his passport, if any held by him and shall not leave the country without the written permission

of this Court.

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

02.11.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No