

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

CRM No. M-46529 of 2016.

Date of Decision: 16.02.2017.

Chander Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. V.B. Aggarwal, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 439 the Cr.P.C seeking regular bail in case FIR No. 340 dated 30.08.2016, registered under Section 302 read with Section 34 IPC at Police Station Pataudi, District Gurgaon.

It is contended that no case under Section 302 read with Section 34 IPC is made out against the petitioner as he had no intention to cause death of Munna. As per the FIR, the petitioner allegedly slapped the deceased. As per the post-mortem examination report, no injuries were noticed on the person of the deceased. In fact, the deceased provoked the petitioner. The petitioner is more than 80 years of age. The petitioner is in custody since 30.08.2016.

On the other hand, the learned State counsel submits that the deceased was a young man. He was not suffering from any disease. The petitioner has caused murder of Munna. Thus, a prayer has

been made for dismissal of the bail application.

Heard.

As per the allegations, brother of complainant Asha had come to visit her in a car but she sent him back since there was a history of robberies and theft in the area where she was residing. On his way back, he was accosted by the petitioner who asked him the reason for his visit. The petitioner allegedly called the deceased out of the house and slapped the deceased. As per the post-mortem examination report, no injuries were noticed on the body of the deceased. The petitioner is old man of 80 years, challan stands already presented, out of 14 prosecution witnesses, none has so far been examined, therefore, it can be safely concluded that the conclusion of trial will take a long time so, 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.

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

16.02.2017.

SN

(JITENDRA CHAUHAN)

JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No