

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

(Sr. No.282)

CRM-M-4634-2017

Date of Decision:-March 17, 2017

Aabid

.....Petitioner

V/S

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Gautam Dutt, Advocate,
for the petitioner.

Mr. G.S. Salwara, DAG Haryana.

A.B. Chaudhari, J. (Oral)

In FIR No.16 dated 20.08.2014 registered under Sections 148, 149, 323, 325, 342 and 304 of Indian Penal Code, 1860 and Section 25 of the Arms Act at Police Station-Bahin, District-Palwal, the petitioner was arrested on 01.01.2016 and is in jail since then as an under trial. Admittedly, the fight was between the deceased and the accused and no instrument or weapon was used by either of the parties.

Learned counsel for the State opposes the petition for bail on the ground that the petitioner had inflicted the injuries and, therefore, bail should not be granted.

Learned counsel for the petitioner has invited my attention to the cross examination of the doctor who examined the deceased, which read thus:-

“Cross examination by Sh. R.P. Bainsla & M.S. Yadav, counsels for the accused.

Deceased died because of choronic respiratory disease. The choronic respiratory

disease was old. There is no relation between injuries described in PMR and choronic respiratory disease. It is correct that during investigation IO had not sought any opinion in respect to co-relation of use of weapon and injuries.”

In view of the above, that the deceased had died after seven days and the same is not attributable to the injuries caused by the present petitioner, who is stated to have inflicted the blows only by means of hand.

In that view of the matter, looking to the period spent by him in jail and the fact that the trial will take its own time and in view of the opinion of the doctor as aforesaid, the petitioner would be prima facie entitled to grant of bail. The petitioner is ordered to be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. The petitioner is directed to cooperate with the investigating agency and he shall not tamper with the prosecution evidence or influence the prosecution witnesses.

March 17, 2017

Pankaj

(A.B. Chaudhari)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No