

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

**CRM-M No.9336 of 2017
Date of Decision : 03.08.2017**

Hanif and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Altaf Hussain, Advocate and
Mr. Afzal Hussain, Advocate
for the petitioners.

Mr. D.R. Singla, Deputy Advocate General, Haryana
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

The petitioners were granted interim bail by a Co-ordinate Bench earlier on 20th March, 2017 in view of the fact that the Post-Mortem Report of the deceased revealed no injury marks/external injuries on the body, and as per the opinion given by the Doctor, the deceased was suffering from “Chronic Ischemic heart disease with coronary artery disease”. There was no report to the effect that cause of the victim's death was on account of any injuries.

It transpires from the record that the original FIR was drawn up under Sections 148, 149, 323/506 IPC, after which Section 302 IPC was added on 9th August, 2016, which itself was 04 months

after the victim's death. It is seen further that the occurrence had taken place at least three months prior to the death of the victim on the basis of which the FIR was lodged on 13th May, 2016.

In opposing the bail application, the contention raised on behalf of the State as well as the complainant is that death of the victim is attributable to the injuries allegedly inflicted upon him in the occurrence, in view of a subsequent opinion, submitted by the specially constituted Medical Board on 6th December, 2016. This Court has gone through the said report, in which the conclusion noted is;

“After the perusal of the MLR, treatment record and the radiological reports the Board is of the view that injury No.1, mentioned in MLR was dangerous to life.

(The above said opinion was furnished on the basis of the photocopied document provided by the police.)”

The aforesaid opinion has been reiterated in a subsequent communication issued by the Civil Surgeon, Mewat on 13th of January, 2017.

Perusal of the aforesaid revised opinion also indicates nowhere that death of the victim was attributable to the injuries sustained by him in the occurrence, which was the specific contention raised on behalf of the State. It is correct that injury No.1, initially sustained by the victim was revised as “dangerous to life”, by the

Medical Board, but that was admittedly on the basis of paper work, and not any actual re-examination as undisputedly the victim had been buried long before the Board was constituted.

For the aforesaid reasons, the interim bail granted to the petitioners vide order dated 20th March, 2017 is, hereby, confirmed.

Disposed off.

August 03, 2017
Dpr

(SUDIP AHLUWALIA)
JUDGE

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