

CRM-M-13990-2018

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

CRM-M-13990-2018

Date of Decision: 18th April, 2018

Prem & another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amit Chaudhary, Advocate,
for the petitioners.

Mr. Apoorv Garg, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.230, dated 01.06.2017, registered at Police Station City Tohana, under Sections 302, 323, 449, 148 and 149 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioners, with reference to the order dated 16.02.2018 passed by this Court in CRM-M-5535-2018, titled as 'Jaspal Singh & another Vs. State of Haryana', that the co-accused of the petitioners, who is similarly placed as the petitioners, has been granted the concession of bail in the light of the fact that no injury has been found on the person of deceased-Gurdial Singh. He contends that since no external injury has been found on the person of Gurdial Singh and the cause of death is found to be heart attack, the allegations in the FIR

cannot sustain. He, therefore, prays for grant of regular bail to the petitioners during the pendency of the trial.

On the other hand, counsel for the State submits that there are allegations against the petitioners that they were armed with *lathis* and had entered the house of the deceased and the complainant, where they attacked the deceased which resulted in his death and therefore, the petitioners should not be granted the concession of bail.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that no external injury has been found on the person of the deceased and the cause of death is heart attack, details whereof has been considered and discussed by this Court in the order dated 16.02.2018 passed in a case of co-accused Jaspal Singh while granting bail, the present petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

18th April, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No