

S.No.215

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

CRM-M-17023 of 2018 (O&M)

Date of Decision:27.09.2018

Laxmi Narain and othersPetitioners

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. R.S. Rai, Senior Advocate with
Mr. Karan Pathak, Advocate for the
petitioners.
Mr. Vikas Malik, DAG, Haryana.

Mr. Sunil Chadha, Senior Advocate with
Mr. Himanshu Jain, Advocate for the
complainant.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioners under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.0287 dated 22.09.2017 registered under Sections 148, 149, 323, 302, 452, 506 IPC at Police Station Furrukh Nagar, District Gurugram.

Counsel for the petitioners has contended that even accepting the case of the prosecution as alleged against the petitioners, it involved only an unfortunate death. Any intention on the part of the accused cannot be gathered even from the circumstances. The cause of death in the case is stated to be cardiac arrest due to pre-existing cardiac disease. The petitioners are in custody since 29.09.2017, 05.10.2017, and 08.10,2017. Only six witnesses have been examined by the prosecution so far out of 26 witnesses. It is further contended by the counsel that the trial is likely to take still longer time because now the prosecution has moved an application under Section 319 Cr.P.C for summoning of the additional accused. Hence, it is prayed that the bail be granted.

On the other hand, learned counsel for the complainant has vehemently opposed the bail application by submitting that the petitioners had specific knowledge regarding the ailment, therefore, injuries have been caused with specific knowledge; and resulting into death would tantamount to murder, therefore, the matter would be covered under Section 302 IPC.

The State Counsel being instructed by ASI Raj Kumar, has not disputed the factum regarding the custody of the petitioners and regarding the cause of death. It is also not disputed that the application under Section 319 Cr.P.C has been moved.

In view of the above submissions made by counsel for the parties, the offence involved in the case would be a moot point. Therefore, keeping in view the duration of the custody of the petitioners, but without commenting any further on merits of the case, the present petition is allowed. The petitioners be released on bail pending trial on their furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

September 27, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No