

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

**CRM-M-28622 of 2018**  
**Date of Decision: 31.07.2018**

Deepak @ Deepu

....Petitioner

**VERSUS**

State of Haryana

....Respondent

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Prateek Rathee, Advocate  
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

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**SURINDER GUPTA, J.(Oral)**

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.590 dated 15.07.2017 registered for the offence punishable under Section 304 of Indian Penal Code (for short, "IPC") at Police Station Jhajjar, District Jhajjar.

Heard.

As per case of prosecution, the occurrence took place on 14.07.2017 at about 04.00 p.m., when petitioner was asked by husband of complaint to remove his motorcycle, which he had parked in front of his house. Instead of removing his motorcycle, petitioner pushed husband of complainant, who fell on the ground, became unconscious and died. As per medical report, cause of death was SDH (Sub-dural Haematoma) and EDH (Extra-dural Haematoma) due to fall.

Learned counsel for the petitioner submits that petitioner was neither armed nor had any intention to kill husband of complainant. It was

in scuffle that he had given him push resulting in his death. The prosecution has examined 11 out of 19 witnesses so far. Material witnesses have already been examined, as such, petitioner may be allowed regular bail.

Learned State counsel while opposing submission of learned counsel for the petitioner submits that petitioner was aware that deceased was a weak person and given him a violent push resulting in his death, as such, he (petitioner) is not entitled to bail at this stage.

Keeping in view facts of the case, period of incarceration of petitioner; that material witnesses have already been examined by the prosecution and there is no possibility of petitioner prevailing upon other formal witnesses, who remain to be examined, the present petition is allowed. Petitioner-Deepak @ Deepu is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

**July 31, 2018**  
**jk**

**( SURINDER GUPTA )**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No