

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

CRM-M-40055 of 2018 (O&M)
Date of Decision:-2.11.2018

Kundan and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjiv Gupta, Advocate for the petitioners.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J. (Oral)

The petitioners seek grant of regular bail in a case registered vide FIR No.388 dated 12.5.2018 under Sections 148, 149, 332, 353, 379-A, 427, 506 of Indian Penal Code and Section 3 of Prevention of Damage to Public Property Act registered at Police Station Civil Lines, District Karnal.

The FIR was lodged at the instance of Som Nath who was working as a Helper in mortuary in Kalpana Chawla Hospital, Karnal. It is alleged that on 11.5.2018, a mob including some women entered the mortuary armed with weapons and after giving beatings to the complainant opened the lock and forcibly took away the dead body of Jaiba.

The learned counsel for the petitioner has submitted that the petitioners have falsely been implicated in the present case and that although allegations of beatings have been levelled but no injury was found on the person of Som Nath. It has further been submitted that in any case the

investigation is complete and the petitioners are no longer required to be detained in custody.

On the other hand, the learned State counsel has submitted that in view of the serious nature of allegations and the manner in which the petitioners had forcibly taken away the dead body of Jaiba, no case for grant of bail is made out.

Having considered the rival submissions addressed before this Court and bearing in mind the fact that the challan has already been presented whereas no prosecution witness has been examined so far, no useful purpose would be served by further detaining the petitioners behind bars. Accordingly, the petition is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate Karnal.

2.11.2018
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(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No