

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CRM-M-41067-2018

Date of Decision:24.09.2018

Devender @ Bintu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.398 dated 12.11.2017 under Sections 147, 148, 323, 341, 506 IPC, (the offence punishable under Sections 325, 307 and 302 IPC were added later on), registered at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner states that initially FIR was registered under Sections 147, 148, 323, 341, 506 IPC and thereafter, Sections 325, 307 IPC were added. Finally, the offence under Section 302 IPC was added at a later stage i.e. about 5½ months of the date of the occurrence. He has further argued that deceased-Mulakh Raj, who is brother of the complainant, had died because of head injury and there is no attribution to the petitioner to have caused any injury on the head of the

deceased except that he was allegedly present at the scene of occurrence.

There is no other allegation against him regarding any injury having been caused to the complainant or anybody else. Petitioner is in custody since 26.11.2017 and Rinku @ Parvinder, co-accused of the petitioner, has already been granted regular bail by this Court vide order dated 30.08.2018 passed in CRM-M-36706-2018.

Learned State Counsel on instructions from ASI Kheta Ram is fair enough to concede this position that no doubt the petitioner has not caused any injury to deceased-Mulakh Raj but fact remains that he was present at the place of occurrence and his presence has already been seen.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 26.11.2017, coupled with the fact that deceased-Mulakh Raj had died on account of head injury allegedly caused by Dinesh and the allegation against the petitioner is that he was merely present at the scene of occurrence, this Court finds that the culpability of the petitioner is to be established during trial and trial in the case will take sufficient long time, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

September 24, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No