

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

212

CRM-M-44752-2018

Date of Decision:15.10.2018

Kamal and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Ajit Singh Lamba, Advocate,  
for the petitioners.

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

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HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.0464 dated 22.05.2016 under Sections 323, 506, 34 IPC, registered at Police Station City Hisar.

Learned counsel for the petitioners states that the alleged occurrence has taken place on 20.05.2016 and it is after two days, the present FIR was registered under Sections 323, 506, 34 IPC. He apprehends that the case may be committed to the Court of Sessions for the offence punishable under Section 302 IPC.

Learned State Counsel on instructions from SI Phul Kumar states that no doubt, initially FIR was registered under Sections 323, 506, 34 IPC and thereafter, police on the basis of medical report has found that no

case under Section 302 IPC is made out.

I have heard learned counsel for the parties.

In the post-mortem report received from Histopathology/Cytology, Maharaja Agarsen Medical College, Agroha (Hisar), Department of Pathology, the doctor has opined that the cause of death in this case is due to cerebrovascular accident (CVA) and its complications. There is nothing suggestive that CVA is due to assault injuries.

In case, the trial Court finds that offence under Section 302 IPC is also made out, in that event, the petitioners shall be admitted on bail, subject to furnishing of their bail bonds/surety bonds to the satisfaction of the trial Court.

With the aforesaid observations, the present petition stands disposed of.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case as the present case is confined to anticipatory bail only.

**October 15, 2018**

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**(HARI PAL VERMA)**

**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No