

**Sr. No.224
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-46953 of 2017 (O&M)

Date of Decision: 15.03.2018

Sunny

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Ashish Yadav, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks regular bail pending trial in case FIR No.302 dated 19.05.2017, under Sections 323, 325, 341, 427, 506 IPC (Sections 302 and 120-B IPC added later on), registered at Police Station Palam Vihar, District Gurugram.

FIR was registered on the statement of Tarun Kumar (since deceased) in relation to an occurrence that allegedly took place on 19.05.2017. It was asserted that while the complainant was proceeding in a Maruti Car, three boys accosted him and called upon him to proceed to Ansal Plaza. Having declined he was physically assaulted and given danda blows on his hands and legs and while leaving the place of occurrence was threatened to be eliminated. Rinku wife of deceased is stated to be an eye witness to the occurrence.

There is a second set of allegation based on statement recorded of Rinku wife of the deceased as regards one Bhupinder

Dalal co-accused having come to the hospital where Tarun was admitted and having extended threats for the incident not to be disclosed.

Tarun Kumar is stated to have died on 24.05.2017.

Present petitioner is sought to be implicated on the disclosure of co-accused Bhupinder Dalal and as per which he has also delivered danda blows upon the deceased.

Counsel representing the petitioner would place heavy reliance upon the death summary document issued by the hospital in question i.e. Columbia Asia, Gurugram and as per which Tarun Kumar (deceased) had suffered fractures in the right patella and right distal ulna and base of 5th metacarpal and lacerated wound over right shin.

Counsel would advert to cause of death indicated in the death summary itself and which is acute myocardial infarction with cardiogenic shock and massive pulmonary embolism.

It is argued that offence whether made out under Section 302 IPC under such circumstances would be a moot point.

Learned State counsel would oppose the prayer for bail by stating that an opinion had been sought from the Medical Officer, General Hospital, Gurugram and as per which it stands opined that cause of death is sudden cardiac respiratory arrest resulting from trauma i.e. external injuries.

The case in hand reflects certain circumstances wherein there would be every possibility of material witness Rinku i.e. wife of the deceased to be intimidated/threatened. There is already an

allegation based on statement recorded of Rinku that co-accused, namely, Bhupinder Dalal had come within the hospital premises on 21.05.2017 and had threatened the deceased not to disclose the incident.

Material witness Rinku is yet to be examined before the trial Court.

Under such circumstances this Court is not inclined to extend in favour of the petitioner the concession of bail at this stage.

Petition dismissed.

15.03.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No