

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

216

CRM-M-49819-2017

Date of decision: 12.01.2018

Dara Singh

...PETITIONER

VERSUS

State of Haryana

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

Mr. Ashish Yadav, Additional Advocate General, Haryana.

Mr. Jitender Dhanda, Advocate,
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail with an assertion that he is 70 years old man. Counsel contends that even going by the averments made in the FIR, it is stated that the petitioner along with others was carrying *lathis* and *dandas* and had entered the house of the complainant where beatings were given to the deceased Gurdial Singh, father of the complainant, resulting in his death. This assertion in the FIR is belied by the postmortem report, according to which, no external injury has been found on the person of the deceased. He contends that the petitioner is in custody since 03.06.2017 and, therefore, may be granted the concession of bail.

On the other hand, counsel for the State as also the counsel for the complainant have asserted that not only the petitioner but his other family members, which formed an unlawful assembly, entered into the house of the complainant and caused injuries on the person of the deceased Gurdial Singh and, therefore, he should not be granted the benefit of bail as he is the head of the family and was the leader of the group. Prayer has, thus, been made for rejection of the present application.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that in the postmortem report, no external injury has been found on the person of the deceased Gurdial Singh, prima facie the allegations in the FIR with regard to the petitioner along with others having given stick blows on Gurdial Singh resulting in his death appeared to be not sustainable. However, since the challan has already been presented and the case is now fixed for framing of charge on 23.01.2018, no fruitful purpose would be served by continuing the petitioner in custody especially keeping in view his age.

The present application is, therefore, allowed. Petitioner is directed to be released on bail to the satisfaction of the trial Court.

January 12, 2018

pj

**(AUGUSTINE GEORGE MASHI)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No