

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
210**

CRM-M-5535-2018

Date of decision: 16.02.2018

Jaspal Singh and another

...PETITIONERS

VS.

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

Mr. Vikas Chopra, Deputy Advocate General, Haryana,
for the State.

Mr. Gourav Jain, Advocate,
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court for grant of regular bail in case FIR No. 230 dated 01.06.2017 under Sections 302, 323, 449, 148, 149 IPC registered at Police Station City Tohana, District Fatehabad.

Counsel for the petitioners contends that although the petitioners have been named in the FIR and have been said to be armed with *lathis* and had entered the house of the complainant by breaking the door and started throwing bricks, which led to the father of the complainant to die because of action of the petitioners along with other co-accused but no injury has been found in the postmortem on the person of the deceased Gurdial Singh, father of the complainant. He further contends that the cause of death has been found to be heart attack. Since no injury has been found on the person of the deceased and he has died because of cardiac arrest, the

petitioners, who are in custody since 02.06.2017, be granted the concession of regular bail.

On the other hand, learned counsel for the State as well as the learned counsel for the complainant assert that because of the action on the part of the petitioners in entering the house of the complainant and throwing the bricks resulted in a situation where there was a insurmountable pressure on the father of the complainant, which led to his cardiac arrest and ultimate death, they are not innocent. He contends that the next date of hearing before the trial Court is 06.03.2018 for framing of charge and, therefore, the concession of bail, at this stage, be not granted to the petitioners.

I have considered the submissions made by the counsel for the parties and with their assistance, have gone through the FIR and the allegations along with the postmortem report as well as the report of the Board including the viscera report, where it has been found that there was no injury on the person of the deceased Gurdial Singh and the cause of death has been found to be cardiac arrest.

Keeping in view the fact that the petitioners are in custody since 02.06.2017 and till date, no charge has been framed and the trial is not likely to conclude soon, therefore, the present application is allowed. Petitioners are directed to be released on bail to the satisfaction of the trial Court.

February 16, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No