

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-6673-2018 (O&M)

Date of Decision: 18.4.2018

Sumit Tyagi

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. S.S.Dinarpur, Advocate with
Mr. Apporv Sangwan, Advocate,
for the petitioner (s).

Mr. Ashok Muthreja, DAG, Haryana.

Mr. Akshit Aggarwal, Advocate,
for the complainant.

RAJ SHEKHAR ATTRI, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure (for short, “Cr.P.C.) for grant of regular bail to the petitioner in case FIR No.605 dated 16.10.2017 registered for the offences punishable under Sections 323, 304 of Indian Penal Code (for short, “IPC”) at Police Station City, Yamunanagar.

Heard.

It is the case of the prosecution that complainant-Tarun Sharma along with his father Shri Lekh Raj (deceased) had gone to the office of Airtel office in connection with mobile phone. However, there was altercation with the officials working in the said office. In the meantime, a person came there and started arguing with the complainant as to why he engaged in argument with the officials of the Airtel company and there was altercation between the two. However, said person had given a push to Lekh

Raj who fell down and received injuries. Ultimately, Lekh Raj died.

Learned State counsel states that the challan has already been presented. Statement of PW1 Tarun Sharma has been recorded along with other witnesses.

Learned counsel for the petitioner submits that Tarun Sharma made some improvement and in the FIR, the name of the petitioner is not mentioned. No identification parade has been got conducted.

On the other hand, learned State counsel and counsel for the complainant submit that there was CCTV footage. The petitioner has given beatings to the deceased, due to which, he had died. Reliance has been placed on the post mortem report wherein three injuries have been shown. Apart from it, multiple abrasions of various sizes and shapes are present over 2nd and 3rd toe of left foot and on exploration of skull intracranial bleed with hemorrhage contusions is present. The cause of death was head injury and hemorrhage and shock.

I have heard the learned counsel for the parties and gone through the material available on record.

In this case, the petitioner is in custody since 9.9.2017. Six witnesses have already been examined and some of the witnesses have been given up. In the FIR, name of the petitioner is not mentioned and the role attributed to him was of giving push. There was no prior enmity and it was a case of sudden quarrel in the office of airtel company.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Sumit Tyagi son of Ravi Dutt Tyagi is ordered to be released on regular bail subject to the

conditions, if any, and on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

April 18, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No