

Sr. No.215

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-7894 of 2018 (O&M)

Date of Decision: 27.04.2018

Rohtash

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Ms. Monisha Lamba, Advocate,
for the petitioner.

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

Mr. D.S.Matya, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

CRM No.14938 of 2018

Application is allowed as prayed for.

The accompanying statement of prosecution witness-5

Shaukeen is taken on record as Annexure P-4.

Application disposed of.

Main Case

Petitioner seeks regular bail pending trial in case FIR
No.604 dated 17.10.2016, under Sections 279, 304, 201 and 34 IPC,
registered at Police Station Sohna, District Gurugram.

FIR came to be registered on the statement of Sukhram.

Deceased is Aakash son of the complainant. Complainant's
version was that on 17.10.2016 his son Aakash (since deceased)

had been brought to the shop of Dr. Parmal by Rahul, Sharwan, Parveen and Satbir. Aakash had an injury on his head above the left ear. Present petitioner is also stated to be amongst them. Such situation is stated to have been revealed by Dr. Parmal to the complainant on the following day. The body of Aakash was, however, discovered subsequently on a road side. Complainant voiced suspicion against the present petitioner as also the other co-accused of having murdered his son.

Petitioner was arrested on 27.01.2017.

It may be noticed that initially FIR was lodged under Sections 302 and 120-B IPC but subsequently challan was presented under Sections 279, 304, 201 and 34 IPC.

Counsel representing the petitioner has during the course of hearing adverted to the opinion of Board of Doctors as regards cause of death and which was furnished in the following terms:-

“Opinion by Board of Doctors

On review of said P.M.R. Showing several grazed abrasions on the body of deceased which suggests that the deceased had a grazing movement against a hard surface. Alcohol was detected in the viscera of blood concentration of 115 mg% was present. Hence, taking view of above facts, the possibility of such injuries in a road traffic accident cannot be ruled out.

Sd/-

Dr. Deepak Mathur
20/01/2017

Sd/-

Dr. Pawan Kumar Chaudhary
20/01/2017

Prosecution has examined PW-5 i.e. Shaukeen in the role of an eye witness. Deposition of PW-5 is to the effect that he had seen three boys in a drunken condition on the motorcycle. One out of them stood in the middle of the road. A dumper truck having stopped, one of the boys climbed on to the door of the truck i.e. driver side and whereupon the vehicle was driven away at a high speed and as a result thereof the boy who had climbed on the truck fell down.

It is the contention raised by counsel for the petitioner that deposition of PW-5 Shaukeen and the medical opinion rendered by the Board of Doctors is a clear pointer towards the accidental death.

Out of 22 prosecution witnesses cited, 05 have been examined till date.

Trial would take time to conclude.

Petitioner has already faced incarceration for a period in excess of 01 year.

In view of the discussion hereinabove, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court.

It is, however, clarified that the observations made in this order are confined only as regards considering the prayer for

bail and would have no bearing on the merits of the case.

Disposed of.

27.04.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Whether Reportable

Yes

No