

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
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Date of decision: 16.03.2018

CRM-M-9444-2018

Nitta @ Gurdeep and another

...PETITIONERS

VS.

State of Haryana

...RESPONDENT

CRM-M-9598-2018

Pawan

...PETITIONER

VS.

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

Mr. Kuldeep Sharma, Deputy Advocate General, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to dispose of two Criminal Misc. Petitions i.e. CRM-M-9444-2018 titled as Nitta @ Gurdeep and another vs. State of Haryana and CRM-M-9598-2018 titled as Pawan vs. State of Haryana.

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 Tohana, District Fatehabad.

It is the contention of the learned counsel for the petitioners that although the allegation in the FIR against the petitioners is to the effect that bricks were thrown but no injury has been found on any person including the deceased Gurdial Singh. His further contention is that the said deceased has been found to have suffered a heart attack which resulted in his death. He states that the petitioners were arrested on 02.06.2017 and are

in custody since then. He, on this basis, prays for grant of regular bail especially in the light of the fact that the co-accused of the petitioners, namely, Jaspal, Bittu and Dara Singh have been granted bail by this Court in CRM-M-5535-2018 and in CRM-M-49819-2017. Counsel contends that the petitioners were similarly placed and, therefore, could be granted the same relief.

Learned counsel for the State, on the other hand, contends that the deceased died because of sudden entry of the accused in the house by breaking the gate and they were carrying *lathis* and *dandas* in their hands. It could not, however, be disputed that the deceased died because of cardiac arrest as per the postmortem report. Even the Board, which was constituted to find out the cause of death, has ultimately concluded that it was because of a cardiac arrest and no injury has been found on the body of the deceased in the postmortem report.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioners are in custody since 02.06.2017 and these aspects have already been taken note of while granting bail to the co-accused of the petitioners, as referred to above, these petitions are allowed. Petitioners are directed to be released on bail to the satisfaction of the trial Court.

Any observations made herein above shall have no bearing, in any manner, during the trial or thereafter.

March 16, 2018*pj***(AUGUSTINE GEORGE MASIH)
JUDGE**

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