

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

**CRM-M No.1226 of 2019
Decided on: 17.01.2019**

Vakeel Bharti

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sachin Mittal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.273 dated 03.06.2018, for offence punishable under Sections 304 read with Section 34 of the Indian Penal Code (in short 'IPC'), registered at Police Station Sector 10-A, Gurugram.

Counsel for the petitioner has submitted that as per the allegations in the FIR, one Beena Devi stated that she along with her husband were sitting at their shop on 31.05.2018 and around 09/10:00 pm one Suresh and his son namely Chhotu along with one Sanjay came to their shop and they told her husband that they have to settle the amount and her husband went along with them but did not return back home. On the next day at about 06:00 am, she found that her husband

was lying in front of the house, who was bleeding from mouth and head and thereafter, he was got admitted in the hospital. It is further stated in the FIR that she came to know that her husband had a quarrel in Saraswati Enclave, where he was beaten up in the house. Later on, Dhir Singh died in the hospital on 03.06.2018.

Counsel for the petitioner has argued that the police has found the aforesaid persons innocent and on the basis of the enquiry it was found that, in fact, it was the petitioner and 03 other persons, who have given beatings to the deceased on account of committing a theft of mobile phone and they were arrested and except their confessional statement, there is no other evidence on record. It is further argued that the petitioner is in custody since 10.08.2018; the investigation is complete; challan stands presented; charges have been framed and the petitioner is not involved in any other case.

Counsel for the State, on instructions from ASI Joginder Singh, has not disputed the factual position that the investigation is complete and the prosecution witnesses are yet to be examined.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial custody since 10.08.2018; challan stands presented; the prosecution witnesses are yet to be examined and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any

other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

17.01.2019

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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No