

CRM-M-581-2019(O&M)

Date of decision:15.01.2019

Talim

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWATPresent: Mr. Jamshed Ahmed, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. Mazlish Khan, Advocate
for the complainant.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No. 366 dated 22.09.2017 under Section 302 of IPC, which was deleted and Section 304 of IPC added later on, registered at Police Station Tauru.

Learned counsel for the petitioner contends that even as per the case of the prosecution, the allegation against the petitioner is that he forcibly thrust a wrestling match upon the deceased, in which the deceased; allegedly, got neck injury. It is submitted that even if the allegations are taken on their face value; then also there is no intention to cause death or any injury which could result in death. Learned counsel for the petitioner further contended that; at the first instance, the case was registered under Section 302 of IPC and after investigation of the matter, the police have found that Section 302 of IPC is not made out. Therefore, challan was filed under Section 304 of IPC. The charge has been framed in this case. The petitioner is not required for any investigation purposes. The

petitioner is in custody since 21.10.2018 and there is no other case against him. The trial is likely to take long time. Hence, the petitioner deserves to be released on bail.

On the other hand, learned counsel for the complainant, who is assisting the learned State counsel, submits that on representation of the complainant, further investigation has been ordered by the higher authority. It is further contended that the complicity of the petitioner in the crime is well established from the documents on record.

Learned State counsel, being instructed by ASI Ashok Kumar, submits that although the representation of the complainant has been marked to the DSP for looking into the matter, however, the challan has already been filed in this case. But, it is not denied that there is no other case against the petitioner.

In view of the above submissions made by counsel for the petitioner, but without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

15.01.2019
Hemlata

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