

S.No.220

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

CRM-M-6132 of 2019 (O&M)

Date of Decision:13.02.2019

SunilPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Vikas Bishnoi, Advocate
for the petitioner.
Mr. Vikas Malik, DAG, Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.221 dated 22.07.2018 registered under Section 302 IPC (during investigation Section 302 IPC was deleted and Section 304 IPC was added) at Police Station Uchana, District Jind.

Learned counsel for the petitioner contends that although earlier the case was registered under Section 302 IPC, however, on further investigation, even the Police have down-graded the offence to Section 304 IPC. Even in this regard, counsel for the petitioner has submitted that the incident, in which the petitioner is alleged to be involved is of 15.07.2018, whereas; the FIR is got registered on 22.07.2018. Even as per the allegation, the petitioner is not alleged to have caused any injury to the deceased with any specified weapon. The allegation against the petitioner is only giving fist blows to the deceased. Otherwise also, even the father of the deceased has stated before the Police that the death of the deceased was due to some motor vehicle accident and not due to the alleged injuries caused by the petitioner.

The petitioner is in custody since 08.08.2018. The investigation of the case is complete. So, the petitioner is not required for any further investigation. There is no other case against the petitioner.

On the other hand, learned counsel for the State, being instructed by ASI Rajinder Singh, submits that although the offence involved in the case has been down-graded to Section 304 IPC, however, there are categoric allegations against the petitioner qua having given fist blows to the deceased. But, it is not disputed that there is delay of seven days in lodging the FIR and that the father of the deceased had, in fact, stated before the Police that the deceased died because of a motor vehicle accident.

In view of the above, but without commenting upon merits of case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

February 13, 2019**renu****(RAJBIR SEHRAWAT)****JUDGE**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No