

**In the High Court for the States of Punjab and Haryana
at Chandigarh**

CRM-M-8924-2019(O&M)
Date of Decision:-5.3.2019

Virender and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Suneel Ranga, Advocate with
Ms. B.Prabha, Advocate for the petitioners.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioners seek grant of regular bail in respect of a case registered vide FIR No.73 dated 21.3.2017 at Police Station Matlauda, District Panipat under Sections 302, 323, 324, 325, 506, and 34 of Indian Penal Code.

The FIR came to be lodged on the statement of Reshma. It is alleged that on 8.12.2016 when the complainant was present in her house, then at that time Virender and Mehar Singh were hurling abuses and started shouting in the street after consuming liquor in front of the house of the complainant. When the complainant objected to the same, they abused the complainant.

It is alleged that shortly thereafter Narender, Ved Parkash, Pala, Mukesh, Pawan, Satta, Mehar Chand, Malag, Sandeep and one more person

came there. Virender and Malag. are alleged to have hit the complainant with a 'lathi' and a 'gandasi'. The complainant's son Naresh Kumar and grandson Satnam are also stated to have received injuries. The accused also damaged the vehicle of the complainant. Thereafter, the accused fled away, while hurling threats that they would be killed in future.

The learned counsel for the petitioner has submitted that they have falsely been implicated in the present case and from the FIR it cannot be ascertained as to whether Ved Parkash was armed with any weapon or not. It has further been submitted that there is even ambiguity as to whether Virender was carrying 'gandasi' or a 'stick'. The learned counsel has further submitted that in any case, the complainant who was aged about 62 years died after about 6 months of the incident and that in these circumstances, her death cannot strictly be attributed to the alleged injuries stated to have been caused by the accused.

Opposing the petition, the learned State counsel has submitted that in the present case an opinion of Medical Board of PGI, Rohtak was sought and wherein it has been reported that the possibility of the cause of death, being fracture, of right hip and its complications cannot be ruled out, considering the old age of the petitioner.

Having regard to the facts and circumstances of the case and bearing in mind the nature of allegations and that it is a case where it will certainly be debatable as to whether the death had occurred on account of injuries allegedly caused by the accused or not and that the petitioners have been behind bars since the last about 6 months, in my opinion, it is a fit case for grant of bail and the petitioners Virender and Ved Parkash are ordered to

be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly.

5.3.2019
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No