

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

CRM-M-13813-2019 (O&M)

Date of decision : 29.08.2019

Sunil @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Aman Pal, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana alongwith  
SI Vinod Kumar.

Mr. Sandeep Kotla, Advocate for the complainant.

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**ANIL KSHETARPAL, J. (ORAL)**

Prayer in the present petition is to grant regular bail to the petitioner in FIR No.472 dated 20.12.2017 registered under Sections 302/323/324/325/326/452/506/34 of the Indian Penal Code at Police Station Matlauda, District Panipat.

Case of the prosecution is that as many as 10 persons had attacked deceased-Balwan Singh and his family members on 18.12.2017 and Balwan Singh died on 08.01.2018.

This Court has heard learned counsels for the petitioner, first informant and the State.

Learned counsel for the petitioner has submitted that initially

offence under Section 302 of IPC was not included as late Sh. Balwan Singh was alive on the date the FIR was registered i.e. on 20.12.2017. Petitioner was arrested on 25.12.2017 and was released on bail on 26.12.2017. He has further pointed out that late Sh. Balwan Singh was discharged from the Hospital on 21.12.2017. He has also drawn attention of the Court to Medico Legal Report which shows that deceased had suffered injuries on the legs. Learned counsel has further submitted that deceased-Balwan Singh was readmitted in Hospital on 24.12.2017. At the time of readmission, it was noticed that he was 40 years old male, chronic alcoholic and chronic smoker. He was readmitted for the reasons-black colour stool, blood in stool and blood in vomit. He has further referred to post mortem report of the deceased wherein it was noticed that late Sh. Balwan Singh was readmitted being a patient of decompensated cirrhosis. Opinion of Doctor in the final report, reads as under:-

*“Opinion: After perusal of above mentioned report and treatment record of the said deceased, the board is of opinion that the cause of death in this case is injury described in the postmortem report and its complications in a compromised person of liver disease aggravated to acute liver disease with decompensated cirrhosis.”*

He further submitted that petitioner is not attributed to have caused any specific injury to the deceased. He has been shown in possession of wooden baton and had hit on head of wife of the first informant namely Sangeeta and the aforesaid injury was declared simple in nature. Petitioner was re-arrested on 14.11.2018.

Investigations are complete, challan has been presented and

charges have been framed. Prosecution is in the process of leading its evidence. It has been brought to the notice of this Court that examination-in-chief of the first informant who is brother of the deceased has already been recorded. However, since application under Section 319 Cr.P.C. was moved, therefore, case was adjourned. Application is still pending before the trial Court.

Keeping in view the contention of learned counsel for the petitioner and custody of the petitioner and particularly when there is no other case against the petitioner, therefore, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

**29.08.2019**

*Pawan*

**(ANIL KSHETARPAL)  
JUDGE**

**Whether speaking/reasoned:-                      Yes/No**

**Whether reportable:-                                  Yes/No**