

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-35473 of 2019
Date of Decision: 17.09.2019

Pardeep @ Deepu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. D.P.S. Bajwa , Advocate
for the petitioner.

Ms. Dimple Jain, A.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.315 dated 27.12.2017 registered for offences punishable under Sections 323, 324, 302, 449, 326, 34, 148 and 149 of Indian Penal Code (for short, “IPC”) at Police Station Sadar Narwana, District Jind.

Heard.

As per case of prosecution, complainant-Rajesh received information on his mobile that accused Amarjeet @ Mitta, Pardeep @ Deepu, Satish son of Badan Singh alongwith 8/9 persons armed with *lathis*, *dandas* and *gandasi* have come to their shop and were abusing Satish son of complainant. He alongwith his son Munish and brother Kuldeep reached the shop and found aforesaid assailants there. Amarjeet @ Mitta gave *gandasi* blow on the head of Satish son of the complainant while petitioner and Satish son of Badan Singh and others attacked him (son of complainant) with their respective weapons. Munish and Kuldeep intervened to save

Satish (son of complainant) at which accused-Satish son of Badan Singh gave a *lathi* blow on the right arm of complainant and petitioner gave *lathi* blow on the back and feet of complainant. Other persons accompanying the accused, gave blows on the face and eyes of complainant. Pardeep @ Deepu (petitioner) caught hold of Munish and Amarjeet @ Mitta gave kick blows in his chest and abdomen as a result of which Munish fell on the ground. The petitioner and all the accused also gave kicks to Kuldeep and then ran away from the spot. Munish was taken to hospital, where he was declared dead.

The petitioner was arrested in this case on 27.12.2018. As per allegations in the FIR, he caught hold of Munish, who was caused injuries by Amarjeet @ Mitta and other persons, resulting in his death.

Learned State counsel submits that in the postmortem of Munish no injury was found on his person. As per report of medical board, no definite cause of death could be ascertained.

Without expressing any opinion on merits of the case and keeping in view the fact that petitioner has not been attributed any injury on the person of Munish; period of his custody and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Pardeep @ Deepu is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand

withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

September 17, 2019	(SURINDER GUPTA)
jk	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No