

In virtual Court

CRM-M-20179-2020

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

**CRM-M-20179-2020 (O&M)
Date of decision: 21.12.2020**

Deepak

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Partap Singh, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.15 dated 13.01.2020 under Sections 302/34 IPC, registered at Police Station Karnal Civil Lines, District Karnal.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Rajpal, his elder son Sawan is employed in Municipal Corporation, Karnal and his nephew Sagar told him about death of his son Sawan. It is further informed by Sagar that on 12.01.2020, he along with one Gaurav and Sawan started drinking liquor during day time and consumed

liquor till 1.30 AM in late night. Thereafter, all three went to meet supervisor of his son namely Ravi on a tea stall near Kalpna Chawla Govt. Medical College, Karnal but the supervisor did not meet them. When they were returning back to home, two boys came on a motorcycle and started abusing them. In the meantime, one of the boy lifted a long piece of wood and gave blow on neck of his son and he fell down and the second boy also gave kick blows. The complainant has further stated that his nephew told the name of two boys as Lakhan and Deepak (petitioner). It is further stated that thereafter, two boys fled away and his nephew Sagar and Gaurav offered water to his son, but he became unconscious and then, they took him to the house of complainant's sister namely Sheela, where all them slept. In the morning, it was noticed that Sawan has died.

Learned counsel for the petitioner has argued that it is own case of the petitioner that even if some injury was caused, but he has not been given any medical aid and he died later on. During the investigation, the police has found that fatal blow was caused by co-accused Lakhan. It is further submitted that the petitioner is in custody since 15.01.2020 and the prosecution evidence has not started due to COVID-19 situation.

Learned State counsel, on the basis of affidavit of Inspector/SHO, Police Station Civil Lines, Karnal, has, however, opposed the prayer for bail on the ground that both, the petitioner and Lakhan are accused for causing death of Sawan. It is submitted that as per post-mortem report, possibility of sustaining

the injuries by wooden stick, cannot be ruled out. It is further submitted that motorcycle has been recovered from the petitioner, which was allegedly used in the offence.

After hearing learned counsel for the parties, without commenting upon merits of the case, after going through the FIR and considering the fact that fatal injuries are attributed to co-accused, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

21.12.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No