

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

CRM-M-23803-2020 (O&M)

Date of decision: 26.08.2020

Balihar Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Anshumaan Dalal, Advocate,
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. K.L. Saini, Advocate,
for respondent No.2.

Ritu Bahri, J.

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.189 dated 19.05.2020, under Sections 304/323/34 IPC (Section 302 IPC deleted and Section 304 IPC was added in the final report under Section 173 Cr.P.C.), registered at Police Station, City, Kaithal, District Kaithal.

Learned counsel for the petitioner, while referring to the FSL report dated 12.06.2020 (Annexure P-11), contends that blood sample of deceased was found to contain ethyl alcohol in strength of 338.955 mg%. This was on a higher side and the deceased was walking at that time. Role attributed to the petitioner is that he pushed the deceased, as a result of which, he fell on the bricks. The injury was inflicted on the chest. As per postmortem report dated 19.05.2020 (Annexure P-3) and the opinion given by the doctors dated 09.06.2020 (Annexure P-4), cause of death of Ram

Singh (deceased) was lung injury and its complications as mentioned in PMR. However, the deceased had consumed Ethyl Alcohol before the death as per chemical report. Learned counsel for the petitioner further refers to the affidavits dated 23.07.2020 (Annexures P-5, P-7 and P-9) given by the complainant and the eye witnesses, whereby they stated that Gulzar Singh and Balihar Singh never caused injury to Ram Singh nor any of them pushed him.

Learned State counsel, on instructions from ASI Harpal Singh, informs that the petitioner is in custody since 20.05.2020 and challan has been presented on 15.07.2020. Charges are yet to be framed.

At this stage, learned counsel for the complainant states that affidavit dated 23.07.2020 (Annexure P-5) has been given by the complainant with regard to the incident, which took place on 18.05.2020.

Heard.

Keeping in view the opinion given by the doctors dated 09.06.2020 (Annexure P-4), affidavits of complainant and the eye witnesses dated 23.07.2020 (Annexures P-5, P-7 and P-9); the period of incarceration of the petitioner and the fact that the trial will take some time for its conclusion, this Court feels that no purpose will be served by detaining the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Kaithal.

26.08.2020
ajp

(RITU BAHRI)
JUDGE