

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.
106

CRM-M-35115 of 2020

Date of decision:1.12.2020

Rohit Saini and another

... Petitioners

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.P.S.Sullar, Advocate,
for the petitioners
Mr.Surender Singh, AAG, Haryana
Mr.A.P.S.Deol, Sr.Advocate, with
Mr.H.S.Deol, Advocate,
for the complainant
...

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioners seek the concession of 'regular bail', under the provisions of Section 439 of the Cr.P.C., upon FIR no.146, dated 16.12.2019, having been registered at Police Station Rohdai, District Rewari, alleging therein the commission of offences punishable under Sections 302/34 of the IPC.

Mr.Deol, learned Senior Counsel appearing for the complainant, draws attention to the order passed by this court (coordinate bench) on 5.11.2020 and thereafter to the status report filed by the respondent-State, in which it is stated that though the injuries shown in the post mortem report may not have been able to independently cause death, however, the deceased being 66 years of age and being infirm, having been assaulted by the petitioners, obviously those injuries cannot be ignored.

Learned State counsel reiterates the above.

Mr.Sullar, learned counsel for the petitioners, however draws attention to the opinion given by the Board of Doctors as regards the cause of death, which reads as follows:-

“The cause of death is asphyxia as a result of ante mortem aspiration of gastric contents. The deceased has consumed ethyl alcohol prior to death.”

Mr.Deol on the other hand again points to the PMR to submit that there was a bruise on the abdominal wall of the deceased, with there also being bruises on his sub-clavical region and consequently simply because the opinion given by the doctors is that death was caused due to aspiration of gastric contents and consumption of ethyl alcohol, the injuries caused to him on his abdomen by petitioners cannot be ignored.

Having considered the matter, without making any comment on the issue, which obviously would be subject matter of trial, but looking at the cause of death given by the Board of Doctors and the period of custody already undergone by the petitioners, i.e. almost one year, with the trial even not having commenced as yet, the petition is allowed. The petitioners are ordered to be admitted to bail upon them furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/CJM/Duty Magistrate concerned.

1.12.2020
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No