

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

1. CRM-M-18500-2021

Date of Decision : 04.10.2021

Vikram

...Petitioner

versus

State of Haryana

...Respondent

2. CRM-M-20667-2021

Sanjay alias Sonu

...Petitioner

versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Partap Singh, Advocate
for the petitioner in CRM-M-18500-2021.

Mr. Saurabh Sharma, Advocate
for the petitioner in CRM-M-20667-2021.

Ms. Geeta Sharma, DAG, Haryana

AVNEESH JHINGAN, JUDGE (ORAL)

These two petitions under Section 439 Cr.P.C. are filed seeking regular bail by the petitioners- Vikram in CRM-M-18500-2021 and Sanjay alias Sonu in CRM-M-20667-2021 in case of FIR No.329 dated 08.12.2020 under Sections 302/34 IPC (later Section 302 IPC was deleted and Section 304, 325, 34 IPC and Section 3 (2) (v) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were added) registered at Police Station Kaithal Sadar, District Kaithal (Haryana).

As per the allegations Anil and Bunty (hereinafter referred as deceased) were beaten by the petitioners on 6th December 2020, thereafter the matter was compromised. Anil died on 8th December 2020 and the another Bunty's dead body was found on 10th December 2020 in the pond taken on lease for fishing purposes by the petitioner-Sanjay.

Learned counsel for the petitioners further submits that Anil was admitted in hospital and as per the PMR his cause of death is liver and renal disease. Further, it is submitted that Bunty's dead body was found on 10th December 2020 near the pond and the cause of his death was asphyxia due to drowning. The contention is that the petitioners cannot be connected to death of the deceased. Further it is argued that the petitioners are in custody since 10th December 2020, investigation is complete, challan stands presented.

Learned counsel for the State opposes the prayer for grant of regular bail. She submits that even as per the version put forth by the petitioners, the two deceased had come to their pond for stealing fish, they were surrounded, it was only due to the fear that they hide themselves in the pond and ultimately one of them lost his life due to drowning.

The involvement of the petitioners and the role attributed to them is a debatable issue as per the version put forth by the counsel for the petitioners and learned State counsel. The investigation is complete, challan stands presented. The FIR was registered under Section 302 IPC later on was converted to under Section 304 IPC. Considering the cause of death mentioned in both the PMRs, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

These petitions are allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Photocopy of this order be placed on the connected file.

4th October 2021

Manju

**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No