

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

Sr.No.202

CRM-M No.19111 of 2021

Date of Decision: 06.08.2021

Dinesh

...Petitioner

Versus

State of Haryana

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Bharat Bhushan, Advocate
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana
for the respondent.

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MEENAKSHI I. MEHTA, J. (ORAL)

The petitioner herein seeks the relief of regular bail in the criminal case pertaining to the FIR bearing No.268 dated 30.08.2019 registered at Police Station Asauda, District Jhajjar, under Section 302 read with Section 34 IPC.

Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that the petitioner, along-with his co-accused, had caused injuries to Ram Kanwar, the father of the complainant-informant, with weapons like screw-driver, sticks etc. and he was brought to the PGIMS, Rohtak but he expired there.

The postmortem examination report of the above-named deceased and the report of the FSL, as forwarded by learned State counsel to this Court through email, are taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the

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file thoroughly.

Learned counsel for the petitioner contends that the alleged occurrence took place in Village Asauda Todran in District Jhajjar but instead of being taken to the local hospital, the victim was taken to a far off place like PGIMS, Rohtak and moreover, the victim had allegedly sustained the injuries during the night time but strangely, his family members, who were residing in the same house, came to know about this fact in the morning only. He also contends that the Challan has been presented in this case against the petitioner and his co-accused Amit only whereas his other co-accused namely Rasil, Om Parkash and Naveen have not been challaned and this fact falsifies the entire version of the prosecution. Lastly, he contends that there are discrepancies in the version of the complainant and the details, as given in the postmortem examination report of the deceased, regarding the time of his death and in these circumstances, the petitioner deserves the relief as prayed for in this petition.

However, learned State counsel argues that the deceased was taken to PGIMS, Rohtak as he had sustained the serious injuries in the said occurrence and since, he was sleeping alone in his room, therefore, the family members got to know about this occurrence only when the complainant went to serve him the tea at 6:00 AM in the morning and an application has already been moved before the trial Court under Section 319 Cr.P.C. to summon the afore-named three co-accused of the petitioner and there is no discrepancy regarding the

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time of the death of the victim. He further argues that even otherwise, the weapon of offence has already been discovered at the instance of the petitioner in pursuance of the disclosure statement as suffered by him during his interrogation and it being so, the instant petition deserves dismissal.

All the above-discussed contentions as raised by learned counsel for the petitioner, i.e. the victim/deceased having been taken to PGIMS, Rohtak instead of the local hospital, the complainant and other family members having come to know about the alleged occurrence in the morning only despite the factum of their having been residing with the deceased in the same house, the above-named three co-accused of the petitioner having not been challaned as well as the alleged discrepancy qua the time of the death of the victim, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence as would be led on the record during the trial proceedings and the same cannot be ascertained at this stage.

Keeping in view the afore-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner in this case, this Court is of the considered opinion that he (petitioner) does not deserve the concession of regular bail. Resultantly, the instant petition stands dismissed accordingly.

06.08.2021

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Whether speaking/reasoned

Yes

(MEENAKSHI I. MEHTA)

JUDGE

Whether Reportable

No