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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.18708 of 2021 (O&M)

Date of decision: 03.06.2021

Roshan Lal @ Pappu Sunar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Aman Pal, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Ms. Aashna Gill, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

CRM-15709-2021

Heard.

Allowed as prayed for.

Documents (Annexures P-3 and P-4) are taken on record
subject to all just exceptions.

CRM-M-18708-2021

Prayer in this petition is for grant of regular bail to the
petitioner under Section 439 of the Code of Criminal Procedure (in
short 'Cr.P.C.') in FIR No.179 dated 02.09.2020, for offence punishable
under Sections 148, 149, 302, 323, 452, 506 of the Indian Penal Code,
1860 (in short 'IPC') (later on converted to Sections 323, 325, 304, 452,
506, 34 IPC) registered at Police Station Barara, District Ambala.

Counsel for the petitioner has submitted that the petitioner

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is in custody for the last more than 08 months and is having no history of involvement in any other criminal case. It is further submitted that the FIR was registered at the instance of one Kamal Taneja with the allegations that he is having a shop in Barara and adjoining to his shop, there is a shop of the petitioner and his sons. It is further stated in the FIR that on 02.09.2020, when the complainant and his brother Bharat were present, their neighbourer Pappu Sunar @ Roshan Lal, i.e. the petitioner, had put a table facing the side of their shop, which was creating some hurdle and when the complainant asked the petitioner to remove the same, the petitioner started hurling abuses on him and his brother. On this, the petitioner manhandled him and his brother Bharat and thereafter, the other shopkeepers came to their rescue and they came back in their shop. In the meantime, Rajan, nephew of the petitioner, Sumit son of Darshan Lal along with 3-4 other persons entered his shop. Rajan was carrying some sharp edged weapon and they all caught hold of the complainant and his brother Bharat. Thereafter, Rajan inflicted a sharp edged weapon blow on his nose and Sumit gave a blow with flower pot on the head of Bharat. On hearing the noise, their father Niranjan Dass came out of the house and at the same time, the petitioner also came there and extorted that they will not be escaped. The petitioner in a fit of anger gave a fist blow on the chest of the father of the complainant and Rajan and Sumit pushed their father on the floor and suffered internal injuries and he fell unconscious. Later on, Niranjan Dass died.

Counsel for the petitioner has further submitted that the petitioner is a person aged about 56 years whereas the deceased i.e.

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Niranjan Dass, was aged about 75 years and he was having a history of heart ailment and stroke. Counsel for the petitioner has relied upon the medical record of the victim in support of his arguments.

Counsel for the petitioner has further argued that in fact it was a case where the victim had died due to Mayocardial Infraction and not on account of sustaining injuries. It is further submitted that with the intervention of the respectables, both the parties who are next door neighbourers, have also resorted the dispute by way of a written compromise deed dated 20.05.2021 in which both the complainant Kamal Taneja and his brother Bharat are signatory on one side and the petitioner and the co-accused Rajan are also signatory on the other side.

It is also stated in the compromise deed that Niranjan Dass had died due to heart attack with any intentional act of the petitioner or the co-accused Rajan @ Kamal Kishore.

Counsel for the State assisted by counsel for the complainant has not disputed the factual position but opposed the prayer for bail. It is also not disputed that as per the Custody Certificate, the petitioner is in custody for the last more than 08 months and he is not involved in any other case.

Without commenting anything on merits of the case and after going through the MLR/post-mortem report and medical history of the deceased and the contents of the compromise deed and also considering the fact that the petitioner is in custody for the last more than 08 months; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation,

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this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

03.06.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No