

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-23755-2021

DATE OF DECISION: 02.07.2021

MAHABIR SINGH

... Petitioner(s)

*Versus*

STATE OF HARYANA

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

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

Mr. Surender Singh, AAG, Haryana.

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**ANUPINDER SINGH GREWAL, J. (ORAL)**

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.28 dated 24.01.2021, under Sections 302, 323, 34 IPC (Section 302 IPC deleted later on) (Section 304 IPC and Section 3 of the SC/ST Act added later on), registered at Police Station Safidon, District Jind.

Learned counsel for the petitioner contends that it is alleged that the complainant had a matrimonial dispute with his wife and in connection therewith 04 persons including Vikram and Roshni had come to their place on behalf of his wife. They had inflicted injuries with danda and given kick and fist blows to the complainant and when the mother of the complainant namely Kalawati came to rescue him, she was also given injuries and she died at the spot. He, however, contends that the petitioner is not named in the FIR and was arraigned as an accused on the statement of co-accused Vikram and Roshni that petitioner and co-accused Prem Kumar alias Kaka were the two other persons, who accompanied them at the time of occurrence. He further contends that no definite medical opinion is there with regard to the cause of

death as there was only one injury on the knee of the deceased. The chemical examiner report did not disclose any poisonous substance or any other substance indicative of unnatural death. He also contends that the petitioner himself is a patient of acute liver cirrhosis and cancer. He is being treated at AIIMS, Cancer Institute, Jhajjar. Copies of the documents indicating of the diagnosis or treatment are appended as Annexure P-6. The petitioner is in custody for over 05 months and is not involved in any other case.

Learned State counsel contends that challan has been filed but no prosecution witness has been examined. He also contends that the petitioner is undergoing treatment at All India Institute of Medical Sciences, Delhi.

Heard.

In view of the above, especially when the petitioner is unwell, he is in custody for over 5 months, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**02.07.2021**

*SwarnjitS*

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|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |