

**In the High Court of Punjab and Haryana at Chandigarh**

**215**

**CRM-M-25560-2021 (O & M)  
Date of Decision: |August 02, 2021**

**PREM ALIAS KAKA**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA**

**....RESPONDENT**

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

Present: Mr.Bhupender Singh, Advocate for the petitioner.

Mr. Vijesh Sharma, Addl. AG, Haryana.

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

Case taken up 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; Section 304 IPC and Section 3 (2) (v) of 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 that the petitioner and co-accused Mahavir Singh were the two other persons, who had

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. The petitioner is professionally employed as a Driver with coaccused Vikram. The petitioner is in custody for over 05 months.

Learned State counsel has filed a copy of Histopathology report wherein it is stated that no definite scientific opinion regarding the cause of death can be given in this case as chemical and histopathological reports are negative. It is further stated that circumstance evidence may be given due credence and the natural cause of death cannot be denied. He upon instructions from SI Dilabgh Singh states that the challan has been filed but no prosecution witness has been examined.

Heard.

In view of the above, especially when the petitioner is in custody for over 05 months, 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 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**

**|August 02, 2021**  
**A.Kaundal**

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