

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

105+226

CRM-M-28082-2021 (O&M)

Date of decision : 12.11.2021.

Rajesh

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

CRM-33256-2021

This application is for placing on record the correct typed copy of Annexure P-3.

Heard. For the reasons stated in the application, the same is allowed and the correct typed copy of Annexure P-3 is taken on record subject to all just exceptions.

Main case

The petitioner is seeking regular bail in FIR No.113 dated 21.03.2021 under Sections 302/34 IPC, registered at Police Station Kanina, District Mahendergarh.

Learned counsel for the petitioner contends that it is alleged in the FIR that the petitioner and other accused had given kick and fist blows on the private parts of the deceased. He, however, contends that in the postmortem report, there were no injuries on his private parts. There was only an external

injury and the Doctor sought histopathological examination report before opining on the cause of death. The Board of Doctors after examining the postmortem report, toxicological analysis report of viscera and histopathological report had opined that the cause of death is chronic ischemic heart diseases with coronary heart disease. A copy of the opinion of the Board of Doctors is at Annexure P-4. He also contends that the petitioner, who was unarmed, is in custody for over seven months since his arrest on 21.03.2021 and does not have criminal antecedents.

Learned State counsel, upon instructions from Inspector Santosh Kumar, states that although charges have been framed but no prosecution witness has been examined so far.

Heard.

In view of the above especially when the petitioner was unarmed, the cause of death of the deceased is due to a cardiac ailment, the petitioner is in custody for over seven months, he does not have criminal antecedents, 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

November 12, 2021
sonia gugnani

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