

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(108 + 207)

CRM-M-35394-2021

Date of decision: - 28.10.2021

Ramjaan

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sumit S. Bairagi, Advocate,
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana
(keeping in view the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

CRM-29058-2021

Present application has been filed to place on record copy of
order dated 04.08.2021 as Annexure P-3.

Application is allowed, as prayed for. Copy of order dated
04.08.2021 (Annexure P-3) is taken on record.

CRM-M-35394-2021

Present petition has been filed under Section 439 Cr.P.C. for

the grant of regular bail to the petitioner in respect of FIR No.272 dated 15.06.2019, registered under Sections 323, 325, 307, 302 and 34 of the IPC, at Police Station Indri, District Karnal.

Learned counsel for the petitioner argues that as there was no post-mortem conducted upon the deceased, the cause of death which has been declared by the doctor as Cardiac Arrest, has to be taken on the face value so as to eliminate the factum that the deceased died due to the injuries received, which allegedly have been attributed to the petitioner. Learned counsel for the petitioner further argues that co-accused, namely, Ram Lal, has already been extended the benefit of regular bail by a Co-ordinate Bench of this Court while deciding CRM-M-22891-2021 on 04.08.2021 and therefore, on the ground of parity, the petitioner is also entitled for the grant of regular bail.

Learned State counsel submits that though, there is no post-mortem report, but the factual position, which is already on record, clearly shows that from the day the deceased got injured, he remained in the hospital most of the time till his last breath and further, the parity which is being claimed by the petitioner with co-accused, namely, Ram Kumar is not applicable as the weapon used to inflict the injuries was recovered from the petitioner. Learned State counsel further submits that after the death, a Board was constituted to ascertain the cause of death, wherein, the doctor has opined that the injuries suffered by the deceased during the attack and the subsequent surgical procedure performed upon the victim because of these injuries, has led to a Cardiac Arrest, due to which, the deceased passed away, therefore, the Cardiac Arrest is not to be seen as

cause independently ignoring the injuries inflicted upon the deceased.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, the facts which have come on record, show that from the day the victim received the injuries, which have been attributed to the petitioner, he remained in the hospital for a period of six months and underwent number of surgical procedures as the injuries received by the deceased were on his head. The trial Court has already noticed the fact that due to the said severe head injuries, the deceased had developed Hydrocephalus for which surgical procedure was undertaken and later on, the deceased developed meningitis and remained in hospital most of the time after suffering injuries till he passed away. It was only due to the surgical procedures, which were undertaken, due to the head injuries received by the deceased, he could not sustain himself and ultimately, succumbed to a Cardiac Arrest. That being so, the assertion of learned counsel for the petitioner that the Cardiac Arrest has to be seen as independent cause of death irrespective of the injuries received by the deceased, cannot be accepted at this stage. As far as the parity being claimed by the petitioner, learned counsel for the petitioner has not been able to refute that the weapon used for inflicting the injuries upon the victim has been recovered from the petitioner.

Keeping in view the facts and circumstances narrated herein above, no ground is made out to grant the petitioner the benefit of regular bail.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 28, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No