

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

218-A

CRM-M-2367-2022 (O&M)

Date of decision: 17.03.2022

ANOOP

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.79 dated 28.04.2021, registered at Police Station Bhuana, District Fatehabad, under Sections 148, 149, 323 and 302 IPC.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the deceased had died a natural death and the petitioner has no role to play in the said occurrence; that, as per the report dated 28.09.2021 of the Medical Officer (Annexure P-2), the cause of death was failure of function of heart due to bilateral (right and left) coronary artery disease, sufficient to cause death in ordinary course of nature; that, as per the medico legal report, there was no external injury mark on the person of deceased- Ramphal and that the petitioner has been in custody since 10.05.2021. It is further argued that the challan stands presented and the investigation being complete, there is less likelihood of the accused tampering with the evidence. He further submits that the FIR was registered on the statement of Samin (son of the deceased) with the allegation that on 28.04.2021, he along with his father, Kapoor Singh and Sukhbir Singh, was cultivating

the land and the petitioner along with the co-accused came at the spot and raised lalkara that if Ramphal (deceased) did not vacate the land then they would teach him a lesson. Still further, it is submitted that co-accused, namely, Annu, has already been granted the concession of anticipatory bail by a Coordinate Bench of this Court on 01.10.2021.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel, does not dispute the custody period of the petitioner. He, however, submits that the petitioner has actively participated in the occurrence and that he has attributed a baton blow on the chest of the deceased. He further submits that post presentation of the challan, the charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 10.05.2021. Co-accused has already been enlarged on bail. As per the medico legal report dated 28.09.2021, there was no external marks on the person of the deceased and cause of death was failure of function of heart. The charges are yet to be framed. In such circumstances, the trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioners behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

17.03.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No