

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

CRM-M-12910-2022 (O&M)
Date of Decision: 31.08.2022

Naresh Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. KS Dhaliwal, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Punjab.

HARNARESH SINGH GILL, J (Oral)

CRM-16452-2022

Allowed as prayed for.

Documents Annexures P.5 and P.6 are taken on
record.

Registry is directed to tag the same at an appropriate
place.

CRM-M-12910-2022

Through this petition, the petitioner seeks regular
bail in case bearing FIR No.824 dated 20.11.2021, registered
under Sections 323, 452, 506 and 34 IPC (challan presented
under Sections 304, 323, 34 and 506 IPC) at Police Station
Rohtak City, District Rohtak.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case; that

as a matter of fact, the son of the complainant was pushed towards the wall and the bricks had fallen on him causing him injuries; on 04.11.2021 at 8:55 p.m. Shamsheer Singh has recorded his statement that the injury was caused because of his own mistake and he does not want police investigation (Annexure P-3); that the MLR was got done on 05.11.2021 and later on the injured was referred to PGIMS Rohtak; that though the injured was declared fit by the Doctor to give the statement, yet the injured (deceased), his wife and/or his father, refused to make any statement; that the injured (deceased) was discharged from the hospital on 11.11.2021, but again due to deterioration in his condition, he was admitted in hospital on 14.11.2021 and ultimately he passed away on 22.11.2021 and accordingly, offence under Section 304 IPC was added in the FIR. He further submits that the alleged occurrence took place on 04.11.2021, but the FIR was registered on 20.11.2021 i.e. after a delay of 16 days. It is further submitted that the petitioner has been in custody since 08.12.2021 and that the challan stands presented, but the charges are yet to be framed.

On the other hand, learned State counsel, while vehemently opposing the prayer for the bail submits that there are specific allegations regarding the '*danda*' (stick) blows given by the petitioner on the person of the deceased; that the injured after having been admitted to the hospital, though was discharged on 11.11.2021, but as his condition worsened, he was again admitted to the hospital on 14.11.2021 and he succumbed to his injuries on 22.11.2021.

I have heard the learned counsel for the petitioner and the learned State Counsel.

The petitioner has been in custody since 08.12.2021. There is delay of 16 days in registration of the FIR. On 04.11.2021 at 8:55 p.m. Shamsheer Singh has recorded his statement that the injury was caused because of his own mistake and he do not want police investigation (Annexure P-3). The challan, though stands presented, charges are yet to be framed. It has come on record that at one stage, when the injured was declared fit to make a statement, he had refused to do so. His wife and father, who were statedly present in the hospital, did also not make any statement. No recovery is to be effected from the petitioner. The trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits of the case, else it would prejudice the case of the either side, the present petition is allowed and the petitioner is ordered to be released on bail subject to him furnishing bail/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate/trial Court concerned.

31.08.2022
ds

(HARNARESH SINGH GILL)
JUDGE

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