

CRM-M-18814 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-18814 of 2022

Date of Decision: 11th May, 2022

Ved Pal

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. C.P. Tiwana, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.38 dated 28.1.2021, under Section 302 IPC (Section 201 read with Section 34 IPC added lateron), registered at Police Station Pundri, Kaithal.

The brief facts are that on 28.1.2021 police received a telephonic message of a body lying near the fields of Swaran Singh, on Habri to Tyontha Road. Pradeep identified body as of his father Baba Sangampuri @ Suresh kumar. In the post-mortem report of deceased doctors found external injuries i.e. both eyes were swollen and reddish coloration present; crushed injury on both toes of feet both superficial laceration of size 2 x 1 cm on distal part of all toes both feet; a superficial abrasion of size 4x3 cm present on left medial part of left knee joint, red in color; a dark red bruise of size 3x4 cm in right part of upper abdomen present and facial and frontal swelling present. On dissection extradural

hematoma of size 10x6 cm was found present on right side of temporal parietal part of skull.

Supplementary statement was made by son of the deceased on 3.2.2021, he named four accused including the petitioner. The accused were arrested, their disclosure statements were recorded. As per disclosure they were consuming liquor with the deceased, he made a derogatory remarks against one of accused. There was an altercation and all of them inflicted injuries.

Learned counsel for the petitioner submits that apart from the bald statement of son of the deceased there is no basis to connect the petitioner with the death of the deceased. There was no weapon used and only injuries by slaps and fists were inflicted, contention is that there was no intention to kill. He further submits that the petitioner is in custody since 6.2.2021, investigation is complete, no further recovery is to be made and two co-accused were granted bail by this court. The contention is that the petitioner is not involved in any other case.

Learned State counsel opposes the prayer for bail and submits that the complainant on the basis of enquiry from his own sources named the petitioner and the accused. She submits that investigation is complete, one prosecution witness, out of total thirty prosecution witnesses has been examined.

The petitioner is in custody since 6.2.2021. The involvement of petitioner is based upon supplementary statement made by son of the deceased. Whether a case under Section 302 IPC is made out is a debatable issue. Trial is at initial stage, the petitioner has no criminal antecedents, co-

accused have been granted bail by this court and conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]

JUDGE

11th May, 2022
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |