

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

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CRM-M-45255-2021 (O&M)

Date of decision: 17.03.2022

DHARMPAL AND ANR

...Petitioners

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Virender Singh Punia, Advocate
for the petitioners.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioners seek 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.

Status report by way of an affidavit dated 15.03.2022 of the Deputy Superintendent of Police, Fatehabad, District Fatehabad, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case; that the deceased had died a natural death and the petitioners have no role to play in the said occurrence; that, as per the report of the Medical Officer (Annexure P-3), the cause of death was failure of function of heart due to myocardial infarction, 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; that petitioner No.1 has been

in custody since 10.05.2021 and petitioner No.2 since 12.06.2021; and that petitioner No.1, who is 70-year-old, is 25% handicapped and is a heart patient. 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 petitioners 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 petitioners, learned State counsel, does not dispute the custody period of the petitioners. He, however, submits that the petitioners have actively participated in the occurrence and that there are specific injuries attributed to them. 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.

Petitioner No.1 has been in custody since 10.05.2021 and petitioner No.2 since 12.06.2021. Co-accused has already been enlarged on bail. As per the medico legal report dated 28.04.2021, 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 petitioners are ordered to be released on bail on their 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?
Whether reportable?

Yes/No
Yes/No