

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49451 of 2023(O&M)
Date of Decision: 21.11.2023

Pankaj @ Gullu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Parmod Kumar Parmar, Advocate
For the petitioner.

Mr. Neeraj Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

1. This is second petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 237 dated 16.05.2022, registered under Section 304-II IPC at Police Station Bilaspur, District Gurugram, wherein the offence was converted to Section 304 IPC lateron.
2. The brief facts of the case of prosecution are that complainant Sube Singh made statement before the police on 16.05.2022 that on 12.05.2022 at about 7:00 p.m. his son Raju was sitting outside the house while the complainant was also taking his meals by sitting in front of Raju. In the meantime, petitioner Pankaj came there and started abusing Raju and then Pankaj gave slaps on the face of Raju and also gave fists blows in abdomen of Raju. Thereafter, Pankaj went away from there and on account of the said internal injuries Raju lost his appetite and did not eat anything for the next three

days and thereafter he was taken to hospital on 16.05.2022 where he died while undergoing treatment.

3. The counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in this case and is in custody for the last more than 01 year and 06 months and is having no criminal history. It is further contended that the petitioner has been charged under Section 304 IPC for death of Raju. It is further contended that as per medical record Raju died due to septicemia only and the petitioner is not responsible in any manner for death of Raju as petitioner never assaulted the deceased as has been alleged by the complainant. It is further submitted that it will take considerable time for the trial to conclude. It is prayed that present petition be allowed.

4. The present petition is resisted by the State counsel who submits that the petitioner gave fists blows in the stomach of Raju on 12.05.2022 and as a result of the said blows Raju died on 16.05.2022. However, the State counsel has not disputed the fact that as per medical record Raju died on account of septicemia and further Raju was not taken to any hospital or examined by any doctor from 12.05.2022 to 14.05.2022 and he was taken to hospital on 16.05.2022 on which day he died. The State counsel further apprised the Court that all the material witnesses including the complainant have been examined.

5. I have considered the submissions made by counsel for the parties.

6. As per the custody certificate furnished by the State counsel, the custody period of the petitioner comes out to be 01 year and 06 months and he is having no criminal history. The petitioner is facing charges under Section 304 IPC for causing death of Raju son of complainant to whom petitioner is alleged to have given fists blows in his stomach on 12.05.2022 and thereafter

Raju died on 16.05.2022 but the cause of his death is reported to be septicemia due to pre-existing and prolonged puss accumulation in the abdomen and its complications. Further, the material witnesses are already examined and it being so there is no apprehension that if released on bail the petitioner is going to influence the complainant and any other eye witnesses. However, it will take time for the trial to conclude. Further, it is matter of evidence as to whether the petitioner is responsible for death of Raju who died due to septicemia. In the given circumstances, no purpose is going to be served by keeping the petitioner behind the bars for any further period.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.11.2023

Jiten

(KARAMJIT SINGH)
JUDGE

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