

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-47825-2023

Date of decision: 25.01.2024

Rajesh @ Raju

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.230 dated 28.04.2022 under Sections 201, 302, 450, 34 of the IPC (Sections 302 and 450 deleted and Sections 304, 452 of the IPC added lateron) registered at Police Station Narnaund, Police District Hansi, District Hisar.

2. Learned counsel for the petitioner, inter alia, contends that the petitioner, who has been in custody since 06.04.2023 has been falsely implicated in the case in hand. It has been further submitted that the deceased, Ramphal, was an alcoholic, as a result of which his wife had also deserted him many years prior to the occurrence in question. On 26.04.2022, the complainant son of Ramphal, deceased, who was living separately from his father, was informed by his sister that Ramphal had died. On reaching the house of the deceased, he was informed that Ramphal had already been cremated. It was two days later, Ritu, wife of one of the co-accused Satyawar revealed to the

complainant that his father had not died a natural death but all the accused including the petitioner, after breaking into the house of the deceased, had assaulted him on the fateful day. Learned counsel has still further vehemently contended that there is nothing to suggest on record qua the cause of death of the deceased as admittedly neither post-mortem was ever conducted on the dead body of the deceased nor was the deceased medically treated for the injuries allegedly inflicted on him. It has been further submitted that none of the 25 witnesses cited by the prosecution have been examined so far, in the circumstances, the trial will take considerable time to conclude, therefore, further incarceration of the petitioner would serve no useful purpose.

3. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has submitted that no doubt there was no post-mortem conducted and there was no opinion on record qua the cause of death of the deceased, however, it had come during investigation that the deceased succumbed to the injuries inflicted by the accused.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. Prima facie, there appears to be no medical corroboration to the prosecution version qua the alleged assault and injuries sustained by the deceased.

6. The petitioner has now been in custody since 06.04.2023. After the charges were framed on 16.11.2022, none of the 25 prosecution witnesses have been examined till date, hence, there is no likelihood of the trial concluding in the near future. In the facts and

circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

25.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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