

[234] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49532-2023
Date of Decision : 29.01.2024

Rajender alias Raj ...Petitioner
versus
State of HaryanaRespondent

Coram : HON’BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr. Rakesh Nehra, Senior Advocate with
Mr. Lalit Kumar Narang, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

[1] The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.294 dated 03.07.2022 under Sections 323, 506 of IPC, 1860 (Sections 302, 325 of IPC added later on), registered at Police Station Meham, District Rohtak.

[2] Status report by way of affidavit dated 29.01.2024 of Shri Sandeep Kumar, HPS, Deputy Superintendent of Police, Meham, District Rohtak, on behalf of the respondent-State along with custody certificate dated 26.01.2024 have been filed in Court today. The same are taken on record.

[3] On 05.12.2023, the following order was passed:-

“ Present: Mr. Rakesh Nehra, Senior Advocate with
Mr. L.K Narang, Advocate for
the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Learned counsel for the petitioner has drawn attention towards the initial information which was received by the police, as mentioned in the final report under Section 173 Cr.P.C. (Annexure P-3), as per which Krishan was admitted to PGIMS Hospital due to slipping and falling while working. When police reached to the hospital, injured Krishan was fit to make the statement and he alleged that when dispute arose on the turn of giving water to the fields, the petitioner struck a lathi blow on his neck causing injuries to him. Learned counsel further contends that alleged occurrence took place on the night intervening 02/03.07.2022 but after the death of Krishan on 07.08.2022, the case has been converted to Section 302 of the IPC.

Learned counsel for the petitioner has further drawn attention towards the fact that Ashok is shown to be eye-witness but in his testimony as PW-1, he has supported the initial version to the effect that Krishan had slipped and had fallen down in the drain facing towards earth.

Notice of motion.

Mr. Sumit Jain, Addl. AG, Haryana accepts notice on behalf of respondent- State.

Adjourned to 29.01.2024 for filing status report. ”

[4] Learned State Counsel could not refute the aforesaid contention to the effect that as per the initial version, Krishan had fallen due to slipping while working and it is only after reaching the hospital that he allege attack by petitioner with a lathi on his neck.

[5] Petitioner is in custody for the last 01 year, 06 months and 04 days as per the custody certificate. He has no criminal antecedents.

[6] Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

29.01.2024
'Rajneesh'

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