

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-11380 of 2014 (&M)
Date of Decision: August 24, 2015

Sandeep Kumar Mahajan

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.P.S.Sidhu, Advocate
for the petitioner.

Ms.Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

Mr.D.P.S.Randhawa, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.106 dated 14.06.2008 under Sections 302, 380, 148, 149 IPC and Sections 25 and 59 of the Arms Act, registered at Police Station Civil Lines Batala.

Notice of motion was issued and learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

The petitioner has already joined the investigation in the

present case. The petitioner is not required for any custodial interrogation nor anything is to be recovered from him. As per order dated 11.06.2015 passed by Coordinate Bench, in the final opinion dated 20.08.2008 of both the doctors regarding the cause of death of Shiv Raj Singh deceased, they have opined the cause of death as ischemic heart disease leading to cardiac arrest. Today again, learned counsel for the petitioner argued that no injury was found on the body of the deceased. Although, scuffle is alleged to have taken place between the petitioner and deceased but there is no allegation that any injury was given by any weapon to the deceased.

In view of the fact that interim bail has already been granted to the present petitioner as per order dated 02.04.2014 and as per order dated 11.06.2016, the petitioner has already surrendered before the trial Court and has been released on interim bail and further in view of the medical opinion, I do not find any ground to send the petitioner to custody.

Keeping in view the peculiar facts and circumstances of the present case, I find that it is fit case where the petitioner is entitled to benefit of grant of bail. Therefore, finding merit in the present petition, the same is allowed. The order dated 11.06.2015 granting interim bail to the petitioner is made absolute.

However, it is made clear that nothing stated above, will constitute my opinion on the merits of the case.

August 24, 2015
Vgulati

(INDERJIT SINGH)
JUDGE