

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

CRM-M-20704-2015

Date of decision: 06.08.2015

Kala @ Vinod Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. D.S. Malwai, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

Mr. Damanjeet Bhoriwal, Advocate
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.175 dated 25.10.2014 under Sections 302, 34 IPC, registered at Police Station Canal Colony, District Bathinda.

Learned counsel for the petitioner places heavy reliance on the statement of Dr. Maninder Pal Singh, Medical Officer, Civil Hospital, Bathinda who appeared before the Court as PW2, to contend that no mark of any injury, as a result of any assault was found on the body of the deceased. He further submits that in such a situation, it would be a moot point as to whether the petitioner, as a matter of fact, participated in the commission of crime or not. Since only two PWs have been examined so far, conclusion of the trial will take time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions

from ASI Muktar Singh, Police Station Canal Colony, District Bathinda, submits that since the actual participation of the petitioner in the commission of crime is duly established on record, he is not entitled for bail pending trial, at this stage. He prays for dismissal of the present petition.

Similarly, learned counsel for the complainant opposes the present petition and seeks dismissal thereof.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case and particularly the statement of Dr. Maninder Pal Singh, Medical Officer-PW2, petitioner has been found entitled for bail pending trial. It is so said because the doctor has clearly pointed out that there was no mark of any injury on the body of the deceased. In such a situation, what was the actual cause of death, will also be a debatable issue.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

06.08.2015
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