

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

(207)

**CRM-M-21854-2015 (O&M)
Decided on: October 19, 2015.**

Rupinder Singh @ Bittu

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Ms. Ishma Randhawa, Advocate,
for the petitioner.

Mr. Gazi Mohammad, DAG, Punjab.

Mr. M.S. Bedi, Sr. Advocate, with
Mr. G.S. Bawa, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of regular bail in a case registered at the instance of Gurbachan Singh alleging that petitioner along with other co-accused trespassed in the house of the complainant and assaulted his family causing death of complainant's daughter-in-law Rajwinder Kaur on account of kick blow by the petitioner in her abdomen. She allegedly died on account of said injury besides foetus having also died on account of the injury. The motive attributed to the petitioner is a previous altercation.

Learned counsel for the petitioner has submitted that the complainant has already been examined.

Statement of PW-6 Dr. Manpreet Kaul has been placed on record by filing miscellaneous application. As per the postmortem reports, cause of death of Rajwinder Kaur was on account of haemorrhage and shock as a result of uterine rupture and that of the new born baby was on account of anoxia and pre-maturity.

Without expression of any opinion on merits of the case, it is sufficient to observe here that in the absence of any external injury, deceased having a history of previous cesarean with old healed scar would be a debatable issue regarding corroboration of the ocular version by medical evidence. Chances of tampering with the evidence are remote, the complainant, father-in-law of the deceased, having already been examined.

Learned counsel for the complainant has intervened to oppose the application for bail contending that there are serious allegations of the petitioner having inflicted injuries on the abdomen of the deceased while she was in advanced stage of pregnancy. He has further submitted that the medical evidence which is merely of corroborative nature, cannot, at this stage, be appreciated where there is overwhelming ocular evidence available.

I have heard learned counsel for the petitioner, learned counsel for the complainant as well as learned State counsel and gone through the record carefully.

Without expression of any opinion on merits of the case and without intending anything to be read at the time of final decision of the case, the petitioner can be granted the concession of bail.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

October 19, 2015
harsha