

Sr. No.223

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-12267 of 2016 (O&M)

Date of Decision: 01.06.2016

Kehar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G., Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner in case FIR No.70 dated 02.07.2015, under Sections 302, 323, 325, 148, 149 of Indian Penal Code, registered at Police Station Lohian, District Jalandhar.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Jagga Singh in relation to an occurrence that took place on 02.07.2015. Deceased is Nihal Kaur i.e. wife of the complainant. The cause of the occurrence is stated to be a dispute with regard to demarcation of joint land.

As per complainant's version Jit Kaur, Manjit Singh, Jasveer Singh and Sammitran had held deceased Nihal Kaur from her arms and she was taken to a nearby Eucalyptus tree and had been given fist blows. Nihal Kaur is stated to have died on the same very day i.e. 02.07.2015.

Even as per complainant's version, no direct/overt act or injury

has been attributed to the petitioner on the person of Nihal Kaur (since deceased).

Petitioner was arrested on 03.07.2015.

Investigation in the case having been completed, challan was presented and even charges have been framed.

Learned State counsel would apprise the Court that out of 24 prosecution witnesses cited only 02 have been examined till date.

The trial as such would take time to conclude.

It would be apposite to take note that it is a case of version and cross-version.

In the occurrence, the present petitioner has also suffered injuries on his wrist and which has attracted offence under Section 325 IPC in the cross-version that has been registered. It is yet to be ascertained during the course of trial as to which was the aggressor party.

Counsel has also furnished for perusal of this Court the Post Mortem Report of deceased Nihal Kaur and as per which no external injury except for one healing abrasion has been noticed. As per Post Mortem Report the cause of death was to be given after receiving the report of Chemical Examiner. The report from the Chemical Examiner having been received the Board of Doctors opined the cause of death of Nihal Kaur to be on account of **“myocardial infarction”**.

Under such circumstances, the question as to whether the offence under section 302 I.P.C is made out against the present petitioner, would be a moot point.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, she is

held entitled to the benefit of bail. Accordingly, present petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty

Magistrate, Jalandhar.

Petition disposed of.

01.06.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE