

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

CRL. MISC. No.M-20439 OF 2016
DATE OF DECISION : 13th DECEMEBR, 2016

Kuldeep Singh @ Krishan

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Kamal Kant Verma, Advocate for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

M. Jagjot Singh, Advocate for

Mr. Amit Chaudhary, Advocate for respondent No.4.

None for remaining respondents.

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A. B. CHAUDHARI, J. (ORAL)

Rule heard forthwith.

Learned counsel appearing on behalf of respondent No.4 prays for adjournment since the arguing counsel is not present.

Heard learned counsel for the petitioner.

Looking to the relief claimed in this petition, it is not necessary to adjourn the case as the proceedings before the trial Court is already going on and the trial is likely to complete.

During the trial Dr. M. L. Gupta, SMO, Civil Hospital, Tohana was examined before the Court below and in the examination-in-chief he stated that the cause of death was due to acute myocardial infarction as a result of coronary artery disease to the best of his knowledge.

Public prosecutor and counsel for the petitioner before the court below wanted to ask question No.5 which reads thus:

“5 Whether Jarnail Singh died due to natural heart attack or heart attack due to suppression by the accused persons?”

Looking to the allegations in the FIR and as stated by learned counsel for the petitioner and also in the deposition before the Court, the accused persons had sat on the person of the deceased and pressed him and that is why he died. It is in this context, I think question No.5, which has been declined by the trial Court, is relevant and should have been allowed to be asked.

In that view of the matter, the petition is disposed of with direction to the trial Court to allow the petitioner and the prosecutor to ask question No.5 only. The trial Court shall thereafter proceed further with the case in accordance with law.

13TH DECEMBER, 2016
‘raj’

(A. B. CHAUDHARI)
JUDGE