

MAMTA MALHOTRA
2016.08.03 13:45

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

**Criminal Misc.No.M-21817 of 2016 (O&M)
Date of decision: 02nd August, 2016**

Bhajan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. V.K.Sandhir, Advocate,
for the petitioner.

Mr. Arshdeep S.Kler, DAG, Punjab
for the respondent(s)-State.

Mr. Sunil Kumar, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner has preferred the instant petition under Section 439 Cr.P.C., seeking regular bail in case FIR No.88 dated 01.09.2015, registered at Police Station Bhindi Saidan, District Amritsar, under Section 302/34 IPC.

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

From the record, this Court finds that there are only two injuries on the person of Sardool Singh (deceased). As per prosecution version, the occurrence took place on 23.07.2014 and Sardool Singh died on 31.10.2014. It is stated in the FIR that firstly, Sardool Singh was discharged from the hospital on 26.07.2014. In the MLR, one injury was stated to be simple and the other was kept under observation but the learned State counsel failed to show whether that injury was declared simple, grievous or dangerous to life. No opinion is there in the police file regarding injury

No.1 on the person of Sardool Singh. It is also contended by the learned counsel for the petitioner that no postmortem was conducted after the death of Sardool Singh. He further contended that there is no material at this stage to connect the death of Sardool Singh which took place after more than three months of the occurrence.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case and also in view of the facts that injury No.1 which was stated to have been caused in the occurrence by the petitioner also has not been declared grievous, dangerous to life; Sardool Singh was discharged from the hospital on 26.07.2014 and he remained at home then again he was admitted in hospital on 02.09.2014 and remained there till 04.10.2014 and thereafter he again remained in the house and there is no cause of death in the present case, given by the doctor as there is no postmortem report, the instant petition stands accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of trial Court/Duty Magistrate.

02nd August, 2016
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(INDERJIT SINGH)
JUDGE

Whether Speaking/reasoned

Yes

Whether reportable

No