

CRM-M-31353-2016

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

CRM-M-31353-2016

Date of Decision: 24.10.2016

Balkar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

Ms. Shivali, AAG, Punjab.

Mr. P.L.Singla, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner, Balkar Singh, has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.104 dated 20.06.2016, registered at Police Station Sadar Tarn Taran, District Tarn Taran, under Sections 302 and 34 IPC.

Notice of motion was issued.

Learned State counsel put in appearance on behalf of the respondent-State and the complainant also put in appearance through his counsel. They contested this petition.

I have heard learned counsel for the petitioner; learned State counsel as well as learned counsel for the complainant and have gone

CRM-M-31353-2016

through the record.

It has been brought to my notice that challan has been presented under Section 304 Part-II IPC. As per the medical opinion given by the Board of doctors regarding cause of death, sudden cardiac death could be possible. The injuries, as mentioned in the petition, are superficial incised elliptical two wounds over the forehead and front of the skull near the anterior hairline and black contusion over the left cheek and left upper arm on the neutral surface. The doctors have nowhere mentioned the injuries as cause of death.

The petitioner has been in custody since 27.07.2016. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing personal bonds in the sum of ₹40,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

24.10.2016

parveen kumar

(INDERJIT SINGH)
JUDGE

Note: Whether speaking/reasoned : Yes
Whether reportable : No