

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

CRM-M No. 12390 of 2017

Date of Decision: 08.05.2017

Happy @ Deepak Chand

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. P.S. Sekhon, Advocate,
for the petitioner.

Mr. Shilesh Gupta, Additional A.G., Punjab.

Mr. Gopal Singh Nahel, Advocate,
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 20, dated 26.01.2017, registered under Section 302 I.P.C., at Police Station Dirba, District Sangrur.

Complainant Gulab Khan got the aforesaid FIR registered with the allegations that on 25.01.2017, his son Budhu Khan went to purchase household goods from the petitioner and Jassi Kumar @ Goga, who were running grocery store in the village. The complainant heard the cries of his son at about 6.00 p.m. and attracted to the spot, where his son was being beaten by the accused. Son of the complainant told him that when he took a packet of Kurkure from the shop of the

accused, they demanded money from him, to which he told them that he would pay the next day. On this, the petitioner raised a *lalkara* for not paying them the amount and then gave a stick blow on the head of the complainant's son. Co-accused Jassi Kumar inflicted stick blow on right side of the hip of the injured son of the complainant. The petitioners further gave a stick blow on the back and then also gave beatings to son of the complainant. Son of the complainant came to the house and the complainant made him lay on a cot. In the night, the complainant's son succumbed to his injuries.

Learned counsel for the petitioner submitted that as per the Post Mortem Report, no external or internal injuries were found on the person of the deceased, except the one that he was having clotted blood from his nostrils and vomits were coming from his mouth. Mild fluid was present in both the pleural cavities. The body of the deceased was not having any external mark of injury. The cause of death was deferred till arrival of the chemical examiner's report.

Today, as per opinion of the Civil Hospital Doctor, the petitioner has been shown to be 100 % visually handicapped and permanently blind.

The aforesaid fact has been verified by the

Investigating Officer.

Learned State counsel on instructions from Head Constable Mithu Ram admits that the petitioner is 100 % blind as has been verified from the Civil Hospital, Sangrur.

The petitioner is in custody since 26.01.2017.

Challan has already been presented, but charges have not been framed.

At this stage, without meaning anything on the merits of the case, I deem it appropriate to grant concession of regular bail to the petitioner, in view of the, *prima facie*, material appearing on record.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on regular bail, subject to his executing adequate bail bonds/ surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 08, 2017.

Apurva

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No