

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

CRM-M No.16117 of 2017
Date of decision: 22nd December, 2017

Multan Singh @ Bhallu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. G.S. Simble, Advocate for the petitioner.

Mr. H.S. Grewal, Addl. Advocate General, Punjab
for the respondent/State.

Mr. Ashish Aggarwal, Advocate for the complainant.

FATEH DEEP SINGH, J.

Allegations against the petitioner Multan Singh alias Bhallu in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.20 dated 08.06.2016 registered at Police Station Sarai Amanat Khan, District Tarn Taran under Sections 307/452/323/324/506/427/148/149 IPC and Sections 25/27 of the Arms Act, are that on 07.06.2017 around 8.00 a.m. when Mohan Singh complainant along with his brother Mohinder Singh and grandson Sandeep Singh were watering the walls of their shop in the disputed property it is alleged that the petitioner armed with an iron rod along with non-applicants/co-accused Gurjit Singh armed with Kirpan, Shinda Singh armed with baseball bat, Ranjit Singh armed with Datar, Harjit Singh armed with Dang, Nirvail Singh armed with Datar, Sukhwinder Singh armed with baseball bat,

Surjit Singh armed with Dang and Malkeet Singh along with 30/35 unknown persons all armed with weapons, attacked the complainant party after breaking open the gate of the house. Allegations against the petitioner are that he along with his sons had stopped Mohinder Singh brother and Sandeep Singh grandson of the complainant Mohan Singh and threw brick bats hitting them and destroyed the walls.

It is as a consequence of these injuries, Mohan Singh complainant was hospitalized and he left hospital on 11.06.2016 against medical advice and died on 19.10.2016 after more than 4 months, leading to arrest of the petitioner on 01.11.2016.

Contentions of the learned counsel for the petitioner are that the petitioner is behind bars since more than one year and the trial is not likely to finish in the near future and the very allegations bear out that the deceased died due to septicemia on account of his non-compliance of medical advice not attributable directly to the injuries caused to him.

Learned State counsel Mr. H.S. Grewal, Addl. Advocate General, Punjab assisted by Mr. Ashish Aggarwal, Advocate representing the complainant have sought to oppose the grant of bail on the grounds of seriousness of offence and heinousness of the allegations and the fact that if allowed bail petitioner would influence the witnesses.

Going through the submissions, the very statement of the complainant Mohan Singh shows that only brick bats have been hurled at the complainant side which are attributable to the petitioner. The undisputed document placed on the record by way of Annexure P2 shows

that the doctor had stated that the patient has left against medical advice. The cause of death as per the post-mortem examination report highlights that the patient had developed bed-sores and the cause of death as elaborated is as a result of generalized debilitating bed-sore with septicemia and the following long hospitalization leading to death in the ordinary course of events, and thus, apparently not as a direct consequence of the injuries. More so, it is during the course of evidence the Court would be able to conclude the likely cause of death. Keeping in view that the petitioner is behind bars since more than one year and the trial is not likely to conclude in the near future, together with the fact that Malkiat Singh similarly placed co-accused has been allowed bail by this Court vide orders dated 20.12.2017 and therefore in view of the principle of parity as well the petitioner is entitled to bail. In the light of the same, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Tarn Taran.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 22, 2017

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No