

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

**CRM-M No.25896 of 2017
Date of Decision : 21.08.2017**

Amrik Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Parminder Singh-I, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.38 dated 21.03.2016, registered under Sections 304, 304-A, 148, 149, 120-B and 201 of the Indian Penal Code, (for short, 'the IPC') at Police Station Cantonment, Amritsar District Amritsar.

Custody certificate of the petitioner filed in the Court today; be kept on record.

The petitioner at the relevant time was posted as Superintendent, Central Jail, Amritsar. Death of victim-Raju, who was an under-trial prisoner took place while he was in custody, but shortly

after he had been sent up for treatment in the Guru Nanak Dev Hospital, Amritsar, and there were visible injuries on his person, which were also seen by certain subordinate Jail Staff. Challan has subsequently been submitted against the present petitioner as well as Dr. Gurnam Singh, the Medical Officer in the same Jail at the relevant time for the offence under Section 304 IPC.

Ld. Counsel for the petitioner draws attention of this Court to an earlier order passed in ***CRM-M No.24685 of 2017-Gurnam Singh Vs. State of Punjab*** on 1st August, 2017, on the basis of which, co-accused Dr. Gurman Singh was ordered to be released on bail pending trial, in view of certain subsequent Medical Reports dated 20th June, 2017 and 8th July, 2017 issued by the Medical Board comprising of Doctors/Faculty attached to Government Medical College and Hospital, Sector 32, Chandigarh, apparently in answer to a query from the Director Bureau of Investigation Punjab, Chandigarh. The sum and substance of those reports was that no definite opinion regarding cause of the victim's death could be given in the case and also that, “the possibility of injuries No.1 to 5, being caused as a result of fall on hard surface or due to an act or conduct of the patient suffering from withdrawal symptoms cannot be ruled out”.

In the given circumstances, it would be pre-mature to speculate on the actual outcome of the trial pending against the

petitioner(s). But in view of the subsequent Medical Reports available, coupled with the fact that the co-accused has been ordered to be released on the basis of those very reports, the present petitioner, who has now remained in detention for a long time also deserves to be treated on the same footing. He is, therefore, ordered to be similarly released on bail to the satisfaction of the Ld. Trial Court, concerned.

Disposed off.

August 21, 2017

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No