

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28723 of 2017
Date of Decision: 11.08.2017

Pardeep

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Guninder Singh Brar, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.14 dated 08.02.2017 registered for offences punishable under Sections 302, 323 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Machhiwara Sahib, District Ludhiana.

Heard.

Notice of motion.

On asking of the court, Mr. Ajay Pal Singh Gill, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for the petitioner submits that dispute between the parties was with regard to land of petitioner, which deceased-Baldev Singh had to vacate by 05.02.2017. As per complainant, the scuffle took place on 08.02.2017, when complainant was taking out his potato crop from the field. The petitioner was attributed a stick blow on backside of head of

deceased, who later on died in the hospital. However, as per medical opinion, there was no injury on the person of deceased and he had died due to myocardial infection.

Learned State counsel submits that in the postmortem report, no injury on the person of deceased was found.

The dispute between the parties relate to delivery of possession of land of petitioner. At the time of occurrence a scuffle had taken place. Whether deceased died because of any injury caused to him or it was a case of natural death is point for consideration in view of the admitted fact that there was no mark of injury on the person of deceased.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Pardeep Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

August 11, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No