

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

**Crl. Misc. No.M-34218 of 2016 (O&M)
Date of Decision: February 17, 2017**

Suleman

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Subhash Kumar, Advocate
for the petitioner (s).

Mr. Rajpreet Singh Sidhu, A.A.G., Punjab.

Mr. Mandeep S. Sachdev, Advocate
for the complainant.

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.82 dated 06.05.2016 registered for the offences punishable under Sections 304, 302, 148 read with Section 149 of Indian Penal Code, at Police Station Sadar Nakodar, District Jalandhar.

Heard.

Learned counsel for the petitioner has argued that as per allegations in the FIR, petitioner along with Manjinder Singh, Avtar Singh, Tejinder Singh and Varinder Singh @ Vicky came to the land of husband of complainant and started abusing him. They also had scuffled with him

which attracted Mandeep Singh nephew of complainant and Balwant Singh son of Nirmal Singh. On seeing both of them, accused ran away from the spot. Due to the scuffle and threats given by the aforesaid persons, Teja Singh felt perplexed and was shifted to the hospital, where he was declared brought dead and cause of death was recorded as '*cardiac arrest*'. Complainant had categorically stated that the death of her husband was caused due to scuffle and threats given to him by the petitioner and his co-accused.

Learned counsel for the petitioner further submits that it was in the supplementary statement of complainant that she changed the version and attributed injuries caused to her husband. The police after investigation has filed the challan. No injury, which proved fatal to Teja Singh, has been attributed to the petitioner. As per viscera report, deceased was under the influence of liquor. As per the MLR, the petitioner was lying admitted in Civil Hospital, Shankar, District Jalandhar on 05.05.2016 i.e. on the day of occurrence. He had also suffered injuries. All this indicates that petitioner has been falsely implicated in this case.

Learned counsel for the complainant assisted by learned State counsel has argued that death of deceased Teja Singh was caused by petitioner and his co-accused named in the complaint made to the police. Doctors found injuries on the skull of the deceased. The statement of complainant was not recorded correctly by the investigating officer at the time of registration of the FIR and she had made supplementary statement explaining the incident, wherein she had attributed injuries to Manjinder Singh, Tejinder Singh and Varinder Singh @ Vicky. The injuries were

caused to the deceased in furtherance of common intention by all the assailants including the petitioner.

In this case, two versions regarding the occurrence have come in the statement of complainant. In both the versions, no specific injury caused to the deceased has been attributed to the petitioner. It is a matter to be seen and decided during trial as to which version is correct and what role of petitioner is made out, if any. Petitioner was arrested in this case on 06.05.2016 and challan against him has already been presented.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Suleman is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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 prior permission of the Court.

(SURINDER GUPTA)
JUDGE

February 17, 2017
Sachin M.

Whether speaking/reasoned: **Yes/No**

Whether Reportable: **Yes/No**