

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-36960 of 2016

Date of decision : January 17, 2017

Manjit Singh alias Bhutto

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Rahul Dev Singh, Advocate, for the petitioner
Mr. P.S.Paul, DAG, Punjab, for the respondent

Fateh Deep Singh, J. (Oral)

Learned State counsel has placed on record original medical report along with custody certificate by way of affidavit of Superintendent, Central Jail, Gurdaspur.

Learned counsel for the petitioner has placed on record order passed in the first regular bail application of the petitioner.

The allegations against petitioner Manjit Singh @ Bhutto in this regular bail application under section 439 Cr.P.C. are that on 2.10.2013 around 9 PM complainant along with his father Sewa Singh, uncle Dalip Singh and Surinder Singh another family member were present in their house when they were attacked by accused Manjit Singh alias Bhutto, Surjit

Singh alias Saabu, Harjit Singh and Ranjit Singh and the petitioner at that time was armed with sword and other deadly weapons were in the hands of his co-accused. It is consequence of two injuries inflicted by the petitioner on the head of father of the complainant and other blows by co-accused led to the death of deceased Sewa Singh.

On the grounds raised in this second bail application which are primarily based on the medical reasons and illness of petitioner, report of Civil Surgeon, Gurdaspur was called.

The contentions of counsel for the petitioner that the petitioner is in vegetative state and is unable to either hear or talk or carry on his daily routine activities and is bed ridden is well corroborated by the medical opinion which substantially corroborates the fact that neither the petitioner is able to take his meal at his own nor able to do routine daily activities i.e. bowel and urinary habit without assistance neither he is able to understand the verbal commands and he needs regular assistance to carry on his daily routine could not be refuted by the learned State counsel who has certainly admitted the state of ill health of the petitioner who is in custody since 8.10.2013. The trial is not likely to be concluded in near future.

In view of such a pitiable state, without adverting to the merits of the case, it is imperative to meet the ends of justice to allow bail to the petitioner to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Gurdaspur. However, it is made clear that in case at a subsequent stage before the completion of trial, in case the petitioner

recovers, the prosecution is well within its right to move for cancellation of his bail.

The present petition stands disposed of.

January 17, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No