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

CRM-M No.14650 of 2018
Date of Decision: 20.04.2018

Ajay Kumar @ Bholu

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Maninder Singh Bajwa, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0272 dated 06.11.2016, registered under Sections 302/34 IPC at Police Station Chherretta, District Amritsar.

2. As per prosecution story, on 30.10.2016, complainant along with her husband, brother Nishan Singh and Ajay, son of her sister-in-law went to market to purchase articles for Diwali. At about 10.00 P.M., when they reached near street No.4 of the locality, some boys were shouting there. Petitioner, Gurpreet Singh @ Gopi and Rinku were prominent persons amongst them. Complainant tried to persuade them to go home instead

of making noise in the locality. The boys became annoyed. Petitioner, Gurpreet Singh @ Gopi and Rinku caught hold of the husband of the complainant and made him to fall on the ground and started giving him kick and fist blows and on raising alarm, all the three boys ran away from the spot. Injured Vinod Kumar was hospitalized in DD Memorial Hospital, Gate Hakima. After taking medicines, he came home. Again on 31.10.2016, he was hospitalized in the same hospital. Thereafter, on 03.11.2016, he was admitted in Shri Guru Ram Dass Charitable Hospital, Amritsar where he died on 05.11.2016.

3. The cause of death as per post mortem examination was severe blunt trauma to the brain leading to right sided sub dural heamatoma and the same was treated to be sufficient to cause death in ordinary course of nature. In the medical record prepared by Sri Guru Ram Dass Institute of Medical Sciences and Research Vallah, Amritsar, the case was shown to be MLC case and as per patient record, it was recorded that as per history given by wife of the patient, the patient was under the effect of alcohol and in state of intoxication. The history of blunt injury on the head was noticed.

4. The cause of death as per record of Sri Guru Ram Dass Charitable Hospital, Amritsar, was found to be of cardiopulmonary arrest and the manner of death was shown to be natural. As per medical history of the deceased, he was

found suffering from HIV positive and Hepatitis C virus.

5. Learned State counsel on instructions from ASI Davinder Kumar, however refuted the statements of fact made by learned counsel for the petitioner and contended that the doctor has been examined and the examination-in-chief of the complainant has also been recorded. The case is fixed for 23.04.2018 for cross-examination of the complainant.

6. The petitioner is in custody since 24.11.2016.

7. The trial may take some time in its final culmination. At this stage, keeping in view the attending circumstances of the case and without meaning anything on the ultimate merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

8. In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

9. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

20.04.2018
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No