

CRM-M-16362-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16362-2018

Date of Decision: 4th May, 2018

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Deepak Bhardwaj, Advocate, for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Yashpal Thakur, Advocate, for the complainant.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.185, dated 24.11.2016, registered at Police Station Sadar Samana, under Sections 302, 148, 149 and 201 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that the petitioner was arrested in this case on 14.12.2016 and since then, he is in custody. As per the post-mortem report, no injury has been found on the person of deceased, namely, Satnam Singh. The cause of death is opined to be vasovagal shock due to stressful condition at the site and time of alleged incidence of assault cannot be ruled out. Petitioner is attributed to have caused injuries on the person of deceased with wooden stick and since, there is no injury found on the person of the deceased, the allegations in the FIR cannot be said to be correct. Counsel for the petitioner has also placed

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reliance upon the order dated 16.04.2018, passed in CRM-M-13842-2018, titled as 'Bhupinder Singh Vs. State of Punjab', vide which, co-accused of the petitioner, namely, Bhupinder Singh, has been granted the benefit of regular bail and therefore, he prays for similar relief.

On the other hand, counsel for the State and counsel for the complainant have opposed the prayer made by the counsel for the petitioner by asserting that medical opinion should not be given more credence than the eye-witness's account. They further asserted that the petitioner may threaten the prosecution witnesses and therefore, concession of bail be not granted to him.

Having considered the submissions of the counsel for the parties, this Court is of the view that there is no external injury which has been found on the body of the deceased and out of 18 prosecution witnesses, only 4 witnesses have been examined till date and therefore, trial is not likely to conclude in near future as also the facts that the petitioner is in custody since 14.12.2016 and co-accused of the petitioner has been granted the same benefit by this Court, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

4th May, 2018

Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No

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