

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

CRM-M-27509-2018
Date of decision:24.07.2018

Jaswinder Singh @ Moti

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Karandeep Singh Sidhu, Advocate
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab
assisted by SI Malkiat Singh.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered in respect of FIR No.121 dated 29.12.2017 for offences under Sections 302/34 of Indian Penal Code, 1860 registered with Police Station Sadar Malout, District Muktsar Sahib.

The present FIR was lodged at the instance of Gurdeep Kaur mother of the deceased, who had stated that her son Bhinder Singh @ Doga was married to Sukhjot Kaur about 11 years back and 2 children were born out of the wedlock. It is alleged that on 24.12.2017 a quarrel took place between her son and his wife and thereafter she made phone call to her parental home, and Manga Singh & Mita Singh who are brothers-in-law of her son came and took away Sukhjot Kaur and her

children. It is further alleged that on 28.12.2017 Bhinder Singh went to his in-laws house to bring his wife back. It is further alleged that on 28.12.2017 Manga Singh, Mita Singh, Khalsa and Moti came to her house at about 8:30 p.m. and dropped her son Bhinder Singh. It is alleged that the aforesaid four persons had caught Bhinder Singh from his arm and when she inquired from her son as to what had happened to him he disclosed that he had been given severe beatings by the aforesaid four persons. It is further alleged that on the next morning when she tried to wake up her son, he could not speak and she found that he had died. The complainant alleged that her son died due to beatings and internal injuries inflicted by Manga Singh, Mita Singh, Khalsa and Moti.

Notice of this petition was issued to the State.

It has been informed by learned State counsel that the post-mortem did not reveal any external or internal injuries and that cause of death had been found to be due to presence of '*Aluminum Phosphide*' upon viscera examination.

Having regard to the facts and circumstances of the case and bearing in mind that the allegations made in the FIR regarding cause of death are stated to be beatings, whereas no injury is stated to have been found during the course of post-mortem examination, in my opinion.

The present petitioner has been behind bars since last more than three months. Conclusion of trial is likely to take some time. No useful purpose will be served by detaining the petitioner behind bars any further. In view of abovesaid facts and circumstances, the present petition is accepted. Petitioner Jaswinder Singh @ Moti is ordered to be released

on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

24.07.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reportable? **Yes / No**

Whether reasoned / speaking? **Yes / No**