

210.

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

CRM-M-32944-2018

Date of decision:03.10.2018.

SANTOKH SINGH

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Gursharan K. Mann, Advocate, for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab,

Mr. Jagdish Singh Mahal, Advocate, for the complainant.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.028 dated 23.05.2018 registered under Sections 302/506/34 IPC at Police Station Kahnuwan, District Gurdaspur.

The aforesaid FIR was registered at the behest of Baljit Kaur wife of Chaichal Singh that on the date of occurrence when Chaichal Singh and son Manpreet Singh reached at Baba Takhiye Tugalwal to serve langar with langar material, it was around 10 AM, the internal gates of Baba Pir were locked with two locks, in the meantime, petitioner-Santokh Singh son of Fauja Singh armed with danda (stick) and Jasbir Singh alias Bittu son of Piara Singh, empty handed, came there. While Jasbir Singh alias Bittu raised *lalkara* to teach them a lesson for serving langar at the place of Baba ji and for the double lock, the petitioner Santokh Singh gave a stick blow to Chaichal Singh which hit on his head and he fell down. Thereafter, Jasbir

Singh snatched a stick from the petitioner and tried to hit the complainant

Baljit Kaur. The complainant stepped backwards and it hit the head of Santokh Singh (the petitioner). After causing the injuries, petitioner Santokh Singh and Jasbir Singh alias Bittu while giving threats to the complainant ran away from the spot. Chaichal Singh died at the spot.

Learned counsel for the petitioner has argued that as per the Postmortem Report, the doctor has opined that the cause of death will be given after receipt of chemical examiner and histopathological examination report. She states that no injury has been caused by the petitioner and Chaichal Singh had died a natural death.

Learned State counsel has produced a Medico Legal Report dated 02.10.2018 and as per the report, the doctor has opined that there is no injury over head, scalp ascertained and histopathology report shows no pathology in brain. So the cause of death in this case may be due to natural disease process as per P.M.R. and histopathological report.

Learned counsel appearing on behalf of the complainant has argued that it is because of the injury caused by the petitioner, Chaichal Singh has died.

In view of above report, there is no injury over head of deceased, this Court finds that the culpability of the petitioner is yet to be ascertained during trial.

Accordingly, present petition is allowed and the petitioner is admitted on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(HARI PAL VERMA)
JUDGE

03.10.2018

sanjeev

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No