

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

**Criminal Misc. No. M-33554 of 2018
Date of decision: 26.09.2018**

Karnail Singh and another

..Petitioners

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Sarbjit Singh, Advocate for the petitioners.

Ms. Rashmi Attri, AAG, Punjab
for the respondent -State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioners, namely, Karnail Singh and Bittu, under Section 439 Cr.P.C. for grant of regular bail in case FIR No.88 dated 01.09.2015 registered under Section 302 read with Section 34 IPC at Police Station Bhindi Saidan, Amritsar, District Amritsar.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the case whereas they were not involved. The injury which has been attributed to the petitioners is simple in nature. There was delay of 14 months in registration of the FIR as the incident took place on 23.07.2014 and the FIR was registered on 01.09.2015. Deceased- Sardool Singh died in the house of the complainant as no proper treatment was given to him. Initially, he was admitted in Guru Nanak Dev Hospital on 23.07.2014 and was discharged on 26.07.2014. Again he was admitted in Hartej Hospital Amritsar on 02.09.2014 and on 04.10.2014, the complainant brought the deceased to his house and ultimately, he died on 31.10.2014. Learned counsel also submits that co-accused of the petitioners, namely, Bhajan Singh has approached this Court by way of filing Criminal Misc. No. M-21817 of 2016 and has been released on regular bail vide order dated

02.08.2016.

Learned State counsel has not disputed the submissions made by learned counsel for the petitioners and also the fact that co-accused of the petitioners, namely, Bhajan Singh, has been released on regular bail by this Court.

Heard arguments of learned counsel for the petitioners as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

There were two injuries on the person of deceased-Sardool Singh. As per prosecution version, the occurrence took place on 23.07.2014 and Sardool Singh died on 31.10.2014. In the MLR, one injury was declared as simple and the other was kept under observation but no opinion has come as to whether the injury was grievous in nature or not. Moreover, the said injury, in case is presumed to be grievous, has not been attributed to the petitioners. Co-accused of the petitioners, namely, Bhajan Singh, has been released on regular bail by this Court vide order dated 02.08.2016. No purpose would be served by keeping them in custody.

Accordingly, the present petition is allowed and petitioners, namely, Karnail Singh and Bittu, are directed to be released on regular bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court.

26.09.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No