

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

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**CRM-M No. 35522 of 2017
Date of Decision: 16.2.2018**

GURPREET SINGH @ GOPI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Mr.Saurabh Arora Advocate
for the petitioner.

Mr.Sandeep Kumar, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 0272 dated 6.11.2016, registered under Sections 302/ 34 IPC at P.S. Chherretta District Amritsar.

As per allegations in the FIR, 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 food for Diwali. At about 10:00 PM, when they reached near street No.4 of the locality, some boys were shouting there. Petitioner, Ajay @ Bholu, Raj Kumar and Rinku were prominent

amongst them. Complainant tried to persuade them to go home instead of making hue and cry there. The boys became annoyed. Petitioner, Ajay @ Bholu and Rinku caught hold of the husband of the complainant and made him to lie on the ground and gave kick and fist blows on his person. On raising alarm, all the three boys ran away from the spot. Injured Vinod Kumar was hospitalized in DD Memorial Hospital, Gate Hakima and thereafter, he came back home after taking medicine. Again on 31.10.2016, he was hospitalized in the same hospital. On 3.11.2016, he was admitted in Shri Guru Ram Das Charitable Hospital, Sri Amritsar and he died on 5.11.2016.

Learned counsel for the petitioner submitted that according to the post mortem examination report, the cause of death was severe blunt trauma to the brain leading to right sided sub dural heamatoma, which was sufficient to cause death in the ordinary course of nature. In the medical record, prepared by Sri Guru Ram Das Institute of Medical Sciences & Research Vallah, Sri Amritsar, the case was shown to be MLC case and as per patient record prepared by the hospital, it was recorded that as per history given by wife of the patient, the patient was under the effect of alcohol and in that state of intoxication, he got involved into someone else's fight and was beaten by them. The history of blunt injury to the head was noticed.

By referring to the medical certificate of cause of death prepared by Shri Guru Ram Das Charitable Hospital, Sri Amritsar, learned counsel for the petitioner submitted that the cause of death was shown to be different and it was recorded therein that the cause of death was cardiopulmonary arrest and manner of death was shown to be natural. Learned counsel for the petitioner further relied upon medical history of the deceased, wherein, he was found to be suffering from HIV positive and Hepatitis C virus.

Learned State counsel, on instructions from ASI Harjinder Singh, has not refuted the statement of facts, however, submitted that one doctor has been examined and the statement of the complainant has been recorded partially. Further cross-examination is fixed for 26.2.2018.

Petitioner is in custody since 7.11.2016. Trial is likely to take sometime in its culmination.

In view of above, without adverting to the merits of the case, it will be just and expedient to grant benefit of regular bail to the petitioner.

Accordingly, this petition is allowed. Let the petitioner be enlarged on bail, subject to his furnishing adequate bail

bonds/surety bonds to the satisfaction of trial Court.

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

February 16, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable Yes/No