

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-37038 of 2018

Date of Decision: 11.12.2018

Prabhjot Singh @ Rinkal

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Anterpreet Singh, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

This is second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.85 dated 20.09.2015 under Sections 302/201/34 IPC registered at Police Station Koom Kalan, District Ludhiana. The earlier petition i.e. CRM-M-30311-2016 was dismissed by this Court vide order dated 02.09.2016. Thus, this petition has been filed after more than two years.

Learned counsel for the petitioner has argued that the very initial version of the FIR, which was registered at the behest of Chanan Singh (father of the deceased Jatinder Singh) shows that the complainant had the suspicion that his son has died due to consumption of excess intoxicant. It is after the post-mortem examination, the doctors have

opined that there were injuries on the person of the deceased. Learned counsel for the petitioner has referred to the cross-examination of PW-7 Dr. Jaskaran Singh, whereby he has stated that the head injury on the person of the deceased Jatinder Singh could be the result of fall while driving from motorcycle or by any number of reasons and the time between injury and death is not instantaneous. The petitioner is in custody since the registration of the FIR i.e. 20.09.2015 i.e. for a period of more than three years. He further submits that the complainant is not coming forward to get himself examined despite various opportunities having been granted by the trial Court. On 04.09.2018, this Court while adjourning the case for 15.10.2018 had directed the complainant to be examined, but he is not coming forward to get himself examined.

Learned State counsel, on instructions from HC Sukhdev Singh, submits that the case is now fixed for examination of the complainant on 17.01.2019. He also submits that the trial Court had even issued non-bailable warrants against PW Channan Singh (complainant) and Lakhbir Singh for 06.06.2018, but on 06.06.2018, the accused were produced by the jail authorities and production warrants of the accused were issued for 06.07.2018.

I have heard learned counsel for the parties.

Undisputedly, the petitioner is in custody since 20.09.2015 i.e. the date on which the FIR was registered. PW-7 Dr. Jaskaran Singh, has opined that the head injury on the person of the deceased Jatinder Singh could be the result of fall while driving from motorcycle or by any number of reasons. Despite there being number of opportunities given to the

complainant, he is not coming forward to get himself examined. Moreover, in initial version of the complainant while registering the FIR, he was himself having suspicion that his son might have died due to overdose of drugs. Thus, this Court finds that culpability of the petitioner in the crime is yet to be established. Considering the fact that the petitioner is in custody for more than 3 years and trial in the case will take sufficiently long time and no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release him on regular bail.

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

December 11, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No