

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-42936-2017 (O&M)

Date of Decision: 05.04.2018

Amarjit Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.K. Handa, Advocate for the petitioner.

Mr. S.S. Sandhu, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner seeks the benefit of regular bail in case F.I.R. No.02 dated 4.1.2017 under sections 304-A, 279, 427 I.P.C (sections 302, 404, 120-B I.P.C were added later on), registered at Police Station, Mehna, District Moga.

Learned counsel for the parties have been heard.

Deceased in the present case is Baldev Singh.

Initially FIR was registered under sections 304-A, 279 and 427 I.P.C on the statement of relative of deceased i.e. Pargat Singh. Initial version of the complainant was that on 3.1.2017 while the complainant as also deceased along with Amarjit Singh and Rajdeep Singh were proceeding on motorcycles, the motorcycle on which the deceased was riding, met with an accident involving a tractor-trolley which had come from the back side and Baldev Singh having succumbed to the injuries at the spot.

Apparently, a supplementary statement of Pargat Singh was recorded on 5.1.2017 and in which he stated that the initial version had been got recorded on the basis of information supplied by Amarjit Singh/present petitioner but then it has come to his knowledge that it was Amarjit Singh

(present petitioner) and Rajdeep Singh, who were also riding on the motorcycle have caused injuries to Baldev Singh leading to his death.

Undoubtedly, a Board of Doctors have given opinion dated 30.10.2017 that cause of death is asphyxia due to strangulation and injuries to vital organs i.e. brain and lungs.

Petitioner was arrested on 6.2.2017.

It is a case of last seen evidence.

Even in the supplementary statement recorded of Pargat Singh on 5.1.2017 he has not stated that he had seen the petitioner inflicting/causing any injury on the person of the deceased or for that matter strangulating him.

Postmortem Report of deceased placed on record reflects the following injuries:-

<i>Sr. No.</i>	<i>Injuries</i>	<i>Marked</i>	<i>Injury number</i>
1	Reddish contusion 4x5 cm present over left upper eyelid	Yes	3
2	A lacerated would 8x2 cm present over right side of forehead extending to right parietal region. Underlying bone fracture present and brain matter extruded out clotted blood present	Yes	1
3	Depressed groove on the neck at and above the level of thyroid cartilage going backward roundly on both sides of neck upto back of neck. Width of groove 3 to 4 cm. Floor of groove reddish brown. On dissection subculaneous Haemorrhage present. Mucosa of larynx and trachea congested. Hyoid bone fractured.	Yes	2

It is the contention of learned counsel for the petitioner that the injuries noticed herein above are indicative of the deceased having suffered the same during the course of an accident.

The issue as to whether offence under section 302 I.P.C has been made out against the petitioner, would be a moot question to be considered by the Trial Court upon appreciation of evidence.

On a previous date of hearing a status report had been called for by this Court regarding progress of trial.

Placed on record is a status report dated 28.3.2018 and which indicates that trial has not progressed on account of transfer of the Judicial Officer concerned and the matter having not been transferred to some other court.

Trial, as such, would take time to conclude.

Petitioner has already suffered incarceration for a period in excess of 1 year and 1 month.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate concerned.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

05.04.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No