

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

Criminal Misc. No.M- 8271 of 2018(O&M)

Date of Decision: June 04 , 2018.

Sarabjit Kaur and others

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Harchand Singh Batth, Advocate
for the petitioners.

Ms. Samina Dhir, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioners pray for bail pending trial in FIR No.153 dated 29.06.2017 under Sections 323/452/450/148/149 IPC (Section 302 IPC added subsequently), registered at Police Station Bhikhiwind, District Tarn Taran.

It is submitted that the petitioners have been falsely implicated in this case. As per the FIR which was registered on the statement of complainant (since deceased), injuries were caused to the complainant by the co-accused Balkar Singh, Rashpal Singh and some of the petitioners on 22.06.2017 when he

had returned home after finishing labour. Learned counsel for the petitioners submits that injuries allegedly caused to the complainant were seven in number and were found to be simple in nature. Reference in this regard is made to Medico Legal Report dated 22.06.2017 attached as Annexure P1 with this petition. The complainant however died on 25.07.2017. He was admitted to Sri Guru Ram Das Institute of Medical Sciences & Research, Vallah, Sri Amritsar on 17.07.2017. While referring to Medico Legal Report (Annexure P3) issued by the said Institution, learned counsel for the petitioners submits that the complainant is noted to have been brought to the hospital with a history of fall from a tree fifteen days ago. It is further recorded that he gained consciousness on the next date. The complainant (deceased) is also recorded to be an alcoholic since ten years and a drug addict since the last fifteen years (wrongly mentioned as fifteen days in the copy attached as Annexure P3). A photocopy of the medico legal report dated 17.07.2017, furnished in Court today, is taken on record subject to just exceptions.

Moreover, it is submitted that the material witnesses i.e., sons of the deceased have not supported the prosecution case while appearing as PW1 and PW2 before the learned trial court. Statements of PW1 and PW2 are attached as Annexures P4 and P5. The petitioners, it is submitted, are not involved in any other criminal case and they undertake not to misuse the concession of bail, if afforded to them. It is thus prayed that this petition be allowed.

Learned counsel for the State is unable to deny that sons (PW1 and PW2) of the deceased have not supported the prosecution case and medical

reports (Annexures P1 and P3) are not in dispute. On instructions from ASI Bhagwant Singh, learned counsel for the State verifies that the petitioners are not involved in any other criminal case. There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail. No useful purpose would be served by keeping the petitioners incarcerated any longer in the peculiar facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioners be released on bail pending trial subject to their furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

June 04, 2018.
'om'

(LISA GILL)
JUDGE

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