

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-8916-2019 (O&M)
Date of Decision:- 22.5.2019

Gurjeet Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manish Soni, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No. 59 dated 20.2.2018 at Police Station Sector 9-A, District Gurugram, under Sections 279/337 IPC, wherein offence under Section 302 IPC and Section 25 of Arms Act was added later on.

2. The FIR was registered at the instance of Pawan Kumar, wherein it has been alleged that he is working in Maruti Suzuki Company and his friend Hira Lal, is also working along with him in the said company. It is stated that some persons informed him telephonically that Hira Lal had met with an accident and is being taken to Aryan Hospital. Upon receipt of the said information, the complainant rushed the said hospital, where he was informed that Hira Lal had been shifted to Medanta Hospital for treatment. The complainant suspected that some unknown driver had hit Hira Lal while driving the vehicle at a high speed and while driving negligently.
3. Learned counsel for the petitioner has submitted that although the incident had taken place on 18.2.2018, the FIR came to be lodged on 20.2.2018. It has further been pointed out that the aforesaid Hira Lal later on expired on 2.5.2018 while in Jaipur and it is thereafter that the petitioner is being sought to be implicated while introducing altogether a new story that the petitioner had died due to a fire arm injury.
4. Opposing the petition, learned State counsel has submitted that since the FIR was initially recorded only on the basis of suspicion, therefore, it was only after receipt of the post mortem report that truth came to be known and that in the post mortem report, the information furnished by the police is that death had occurred due to fire arm injury. Learned State counsel has further informed that a .315 pistol and a cartridge case had also been recovered at the instance of the

petitioner and that as per report of the FSL the cartridge in question had been fired from the pistol recovered from the petitioner.

5. I have considered the aforesaid submission. A perusal of the aforesaid post mortem report shows that the cause of death has been opined as follows:

“We the members of medical board are of the opinion that the cause of death is septic shock brought about as a result of secondary infection of antemortem injuries, sufficient to cause death in ordinary course of nature.”

6. The aforesaid cause of death does not indicate or refer to any fire arm injury. Similarly, a perusal of the medico legal report dated 18.2.2018 when injured Hira Lal (later deceased) was admitted in Medanta Hospital, shows that there is no reference to any fire arm injury. Although, the report of FSL shows that the recovered of empty cartridge had been fired from the pistol, stated to be recovered from the petitioner, but there is no evidence, at this stage, to connect that the said pistol had been used for firing at the deceased. The petitioner is stated to be behind bars since the last more than 10 months and till date only 2 out of the cited 32 PWs have been examined.
7. Having regard to the facts and circumstances of the case especially bearing in mind the fact that it is a case based on circumstantial evidence and that the trial is proceeding at snail's pace, to my mind, no useful purpose would be served by further detaining the petitioner

behind bars. The petition, as such, is accepted. Petitioner Gurjeet Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. This present petition stands accepted accordingly.
9. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

May 22, 2019
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(GURVINDER SINGH GILL)
JUDGE

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