

Crl. Misc. No. M-25202 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-25202 of 2018

DATE OF DECISION:08.01.2019

Mandeep Singh @ Chhotu

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. AS Bhatti, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed by petitioner-Mandeep Singh @ Chhotu for grant of regular bail to him in case FIR No. 178 dated 20.10.2017 registered under Section 302, 364 read with Section 34 IPC at Police Station Dinanagar District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has falsely been implicated in this case on the basis of supplementary statement made by the complainant to the effect that Davinder Singh @ Chhotu is Mandeep Singh @ Chhotu only. As per allegations made in the supplementary statement, Davinder Singh @ Chhotu gave sota blow upon deceased-Munish Singh @ Manu, whereas, as per postmortem report all the injuries inflicted upon the deceased were

simple and superficial in nature and were the result of blunt weapon. Learned counsel further contends that till date the prosecution is not clear regarding cause of death. As per prosecution case, deceased-Munish Singh died due to injuries allegedly caused by accused party, whereas, as per Forensic Science Laboratory report, Organo Phosphorus compound was detected in the body of deceased, which was sufficient to cause death in ordinary course of nature. Organo Phosphorus compound contains active ingredient of Sarin, which is highly toxic synthetic and active nerve agent. Learned counsel also contends that deceased-Munish Singh was admitted in CHC Singhowal in the intervening night of 18/19.10.2017 and was normal as he was neither having pain in his body nor vomiting and left the hospital voluntarily in a good condition on 19.10.2017. Co-accused, namely, Bachittar Singh @ Bikka approached this Court by way of filing Crl. Misc. No. M-12533 of 2018 for grant of regular bail, which was allowed on 17.4.2018. The petitioner is in custody since 10.11.2017, trial may take some time to conclude and no purpose would be served by keeping him behind the bars.

Learned counsel for respondent-State has opposed the submissions made by learned counsel for the petitioner on the ground of seriousness of the offence and role attributed to the petitioner. Learned counsel further contends that Davinder Singh @ Chhotu is Mandeep Singh @ Chhotu only and it was clarified by the complainant in his supplementary statement. It has also been stated that at the time of making initial statement, he was perplexed and it could not be clarified. Learned counsel further contends that complainant clarified that petitioner gave two dang blows on the neck of deceased-Munish Singh @ Manu and does not

deserve concession of regular bail at this stage.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file including postmortem report as well as order passed by the lower Court while declining bail.

Admittedly, as per Forensic Science Laboratory Report, Organo Phosphorus compound was detected in the body of the deceased and as per opinion of the doctor, who conducted postmortem, it was sufficient to cause death in ordinary course of nature. As per allegations in the FIR, the petitioner gave sota blow upon deceased and the injuries reflected in the postmortem report were sufficient to cause death in ordinary course of nature. Deceased was admitted in the hospital but subsequently left the hospital and died. The bail has been sought only on the ground that the name of the petitioner was not mentioned in the FIR and death had not occurred because of the injuries alleged to be given by the petitioner. The fact with regard to giving blow on the neck of the deceased-Munish Singh @ Manu by the petitioner was clarified in the supplementary statement made subsequently. It is to be tested by the trial Court as to whether the deceased died because of the substance allegedly given by the accused persons or he consumed himself. As per allegations, the accused persons had taken away the deceased in the Bolero bearing registration No. PB-06-5005 and threw him on the way. Thereafter, the deceased was medico legally examined in CHC Singowal and was discharged on 19.10.2017 voluntarily but not on the advice of the doctor and ultimately died on 20.10.2017 at 5.00 pm.

Accordingly, by considering the allegations levelled against the

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petitioner and nature of the offence, no ground is made out to release the petitioner on regular bail at this stage. The present petition being devoid of any merit is hereby dismissed.

January 08, 2019pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No