

In the High Court of Punjab and Haryana at Chandigarh

CRM M-50991 of 2018
Date of Decision: January 18, 2019

Baljit Kumar @ Balli

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

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

Mr. I.P.S. Doabia, Addl. A.G., Punjab.

A.B. Chaudhari, J. (Oral)

The petitioner has filed second petition under Section 439 Cr.P.C. seeking regular bail in case FIR No. 20, dated 10.02.2016, under Sections 302/34 IPC, registered at Police Station Ladhawal, District Ludhiana.

Heard learned counsel for the rival parties.

This Court did not accede to the request for grant of regular bail on earlier occasion because the evidence was not recorded. Now, the evidence has been recorded as stated by the learned State counsel.

Learned counsel for the petitioner has drawn my attention to the evidence of PW-8, Dr. Gurbinder Kaur, Medical Officer, Civil Hospital, Ludhiana. I quote the following portion from her examination-in-chief and

portion of cross-examination, which read as under:

“Today I have brought the original postmortem register and the carbon of the same is Ex.PW8/A on which I identify my signatures and signature of Dr. Geeta. Today I have brought the report of histopathological report Ex.PW8/B (objected to being late production) and I have seen the report of chemical examiner Ex.PW8/C placed on judicial file. Today I have gone through both the reports after going through both the reports in opinion the cause of death is due to coronary artery disease which is sufficient to cause death in ordinary course of nature.”

“xxxxx Today I have exhibited the documents of histopathological examination Ex.PW8/B that the deceased had not died due to injuries but due to coronary artery disease. I have seen mark C of Global hospital report which says that deceased was addict of heroin for the past 06 months. It is correct that if heroin is not supplied to addict her/his heart shall squeeze and it will cause ultimate death i.e. cardiac arrest. I have gone through the report of postmortem Ex.PW8/A, here in this report I have mentioned according to the information supplied to me by the police that deceased died due to assault but this is not our finding i.e. board of the doctors. xxxx”

In view of above evidence, I am inclined to grant bail to the

petitioner. Hence, I make the following order:-

ORDER

- (i) CRM M-50991-2018 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.
- (iii) Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.
- (iv) The petitioner is surrender his passport with the trial Court, if he possesses the same.
- (v) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

January 18, 2019
vkd

(A.B. Chaudhari)
Judge

Whether speaking / reasoned : Yes / No

Whether reportable : Yes / No