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

CRM-M No.5448 of 2020

Date of Decision : 19.02.2020

Ravinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. P.B.S. Goraya, Advocate
for the Petitioner.

Mr. Sukhbir Singh, Asstt. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.6395 of 2020

For the reasons mentioned in the application, the Applicant/
Petitioner is permitted to place on record the Documents (Annexures
P-6 and P-7), subject to all just exceptions.

Application stands disposed off.

CRM-M No.5448 of 2020

The instant Petition has been filed under Section 438 of the
Code of Criminal Procedure seeking Anticipatory Bail in case FIR
No.154, dated 10.07.2019, registered under Sections 295, 452, 427,
323, 304 (added later on), 148, 149 of the Indian Penal Code, 1860
(Section 302 IPC deleted), at Police Station Islamabad, District

Amritsar.

2. Ld. Counsel for the Petitioner has contended that even according to the FIR, the Petitioner was empty-handed. Thereafter, attention of the Court is drawn to the Post-Mortem Report, copy of which is placed on record today as Annexure P-6, in which two injuries mentioned to have been found on the body of the deceased. Then attention is drawn to Column No.5 pertaining to Abdomen of the deceased, in which it finds mentioned *qua* Liver and Gall Bladder that “*surface of Liver shows multiple nodules of various sizes. Liver is shrunken. Part sent for HPE*”.

3. Ld. Counsel for the Petitioner, thereafter, quotes from the Final Opinion of the Medical Board (Annexure P-7), in which it has been mentioned that cause of the (deceased's) death is, “*multiorgan failure, as a result of septicemia due to Injury No.1 which is sufficient to cause death in the ordinary course of nature*”. In this way, contention of the Petitioner's Counsel is that the victim had actually died as a consequence of his faulty Liver condition, which already had a number of lesions, and Injury No.1, which is in the nature of a fracture, could not have led to septicemia.

3. This Court is, however, not in agreement because Injury No.1 on Page No.9 of the Petitioner's own Application (CRM No.6395 of 2020) mentions about the victim's “*Lt. Thigh being swollen with*

multiple blisters present and skin of Lt. Thigh except anterior surface is black in colour emitting foul smell and on dissection, fracture of upper part of femur is present along with infiltration of blood about 600 CC present around the fracture site and surrounding tissue on account of which, there is laceration of soft tissue structures around the fracture site including major blood vessels”.

4. Admittedly, the victim was an old man of 72 years and had succumbed to his injuries eleven days after the date of occurrence. In such circumstances, this Court would *prima facie* be of the opinion that his death was as a result of manslaughter, although not cold blooded murder outright.

5. Another submission made on behalf of the Petitioner is that the FIR was lodged 07 days after the alleged occurrence but on perusal of the Case Diary, it transpires that dockets, from the Police, regarding not only the deceased/victim, but also the complainant, namely, Baldev Singh, were issued to the Civil Hospital at Amritsar in view of the injuries suffered by them on the same very date of incident, i.e., 3rd of July, 2019.

6. In such circumstances, the above submission that a formal FIR was drawn up subsequently, would be rather inconsequential considering that the occurrence in any case had already come to the notice of the Police Authorities on the original date itself.

7. One last submission made on behalf of the Petitioner to the effect that his sister was brutally beaten up by the victim's family and as such, the alleged attack imputed to his party was actually in the nature of a grave and sudden provocation.

8. Be that as it may, even a grave and sudden provocation leading to death of a victim, can at best have the effect of reducing the offence from that of murder to one of culpable homicide, for which also punishment is awardable up to imprisonment for life in certain cases.

9. For the aforesaid reasons, this Court finds no justifiable reason to grant any interim protection to the present Petitioner, at this stage.

10. Dismissed.

February 19, 2020

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No