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

**CRM-M No.12587 of 2020
Date of Decision: 02.06.2020**

RESHAM SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.154 dated 10.07.2019, registered under Sections 295, 452, 427, 323, 148, 149 and 304 IPC at Police Station Islamabad, Amritsar City, District Amritsar.

Brief facts of the case are that sister of the petitioner was married with the complainant Baldev Singh. Two children took birth out of this wedlock. There was matrimonial discord between sister of the petitioner and the complainant for which

matter was tried before the Mediation and Conciliation Centre, Amritsar in a petition under Section 13 of the Hindu Marriage Act. Matter was once amicably settled and the parties started living together. However, the maltreatment of sister of the petitioner still persisted.

As per allegations in the FIR, the occurrence took place on 03.07.2019. There was an altercation between sister of the petitioner and her husband i.e. complainant. Sister of the petitioner gave a call to her brothers at about 8.30 a.m. Father of the complainant namely Satnam Singh and his mother Ranjit Kaur were present in the house. Brothers of the wife of complainant namely Jajbir Singh, Harbir Singh, Resham Singh, Davinder Singh @ Rinku, Ravinder Singh @ Kalu, Goldy and Jasbir Singh @ Jaj and other unknown persons came there. Jasbir Singh @ Jaj made a lalkara. Jajbir Singh gave a fist blow to the complainant and took off his turban. Rinku caught hold of the complainant and threw him on the ground. Jajbir Singh attacked with a rod. In order to save himself, the complainant raised his left hand and the blow ultimately landed on his palm of the left hand. Rinku gave blow with his punch which hit the complainant in front of his forehead towards left side. On seeing the complainant being beaten by the accused, the father the complainant came forward to save the complainant. The

assailants encircled him and gave beatings to the father of the complainant with kicks and danda blows. They also broke the chairs in the house by hitting on the complainant party and also caused damage to the household articles. The mother of the complainant came out in the street and raised alarm. On this the neighbours got attracted and the assailants fled away from the spot. They also took away an amount of Rs.5700/- from the pocket of the complainant. Maternal uncle of the complainant got them admitted in Civil Hospital. Complainant was discharged in the evening on 03.07.2019 and his father was referred by the Doctor to Guru Nanak Dev Hospital as his condition was not good. On 09.07.2019, he was admitted in Parvati Hospital. The father of the complainant ultimately died on 15.07.2019.

Learned counsel for the petitioner submitted that in respect of occurrence dated 03.07.2019, the FIR came to be registered only on 10.07.2019. Father of the complainant died on 15.07.2019. As per allegations, the petitioner was shown armed with a danda and no specific injury has been attributed to him. Real brother of the petitioner is in custody. Cousin brother of the petitioner is also in custody. Infact, father of the complainant was got discharged from Civil Hospital, Amritsar on the statement of the complainant. The averment made to the contrary in the FIR is on account of mis-statement of fact.

Learned counsel referred to the statement of Baldev Singh which was given in writing to the Hospital Authority which clearly shows that the complainant wanted to admit his father in Guru Nank Dev Hospital with his own consent and a request was made to the Hospital for relieving the then injured i.e. father of the complainant. Father of the complainant was being treated in Guru Nanak Dev Hospital on 09.07.2019. He was got relieved from Guru Nanak Dev Hospital at the risk and responsibility of the complainant on 09.07.2019. Thereafter, he was admitted in private Hospital i.e. Parvati Hospital on 09.07.2019. Liver of father of the complainant was damaged. He was also suffering from blood pressure. After the death of father of the complainant, histopathological examination of viscera was conducted. As per report dated 13.08.2019, the deceased was suffering from Cirrhosis of the liver. When he was medico legally examined on 03.07.2019, there was no visible marks of any external injury except laceration of the size of 0.5 x 0.5 cm on left wrist.

Learned counsel further submitted that the cause of death of father of the complainant is stated to be multi-organ failure as a result of septicemia due to Injury No.1 which is sufficient to cause death in ordinary course of nature. Surface of the liver shows multiple nodules of various sizes.

Learned State counsel on instructions from the Investigating Officer submitted that out of total 7 accused, three of the accused have been declared innocent. Petitioner along with Jasbir and Ravinder were arrested and one accused is still at large. Challan has been presented. Charges have not been framed.

Bare reading of the FIR and the challan paper would show that there is no specific role attributed to the petitioner except to say that all the accused started giving beatings to the deceased. Petitioner is in custody since 31.01.2020. Trial of the case may take some time in its culmination. Complicity of the petitioner would be subjected to quality of evidence to be led by the prosecution.

Sister of the petitioner is having two minor children aged 12 years and 6 years, who are also living in the house of the petitioner. She is having matrimonial dispute with the complainant. Petitioner himself is having three children i.e. daughter of 19 years and two sons of 15 years and 10 years. Father of the petitioner has died. Mother and sister of the petitioner are also dependent upon him.

Taking into consideration the wholesome view of the matter, I am of the view that the petitioner can be enlarged on regular bail, particularly in view of fact that offence under

Section 302 IPC was subsequently replaced with offence under Section 304 IPC vide rapat No.38 dated 28.12.2019 after due inquiry by the Additional Deputy Commissioner of Police, City-1, Amritsar.

At this stage, without adverting to the merits of the case, petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

June 02, 2020
Atik

(RAJ MOHAN SINGH)
JUDGE

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