

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-16228 of 2020

Date of Decision: 07.12.2020

Gurpreet Singh @ Kangli

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. P.S. Ahluwalia, Advocate
for the petitioner(s).

Mr. Sidakmeet Singh Sandhu, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in FIR No.22 dated 07.02.2019 under Sections 302, 354, 323, 34 IPC registered at Police Station Passiana, District Patiala.

As per the FIR, the allegation against the petitioner is that he was keeping bad eye on wife of the complainant. On 05.02.2019, the petitioner tried to click the photographs of wife of the complainant with his phone. The complainant's wife did not tell about this incident to him, as she thought that it may aggravate the dispute further. On 06.02.2019 at

about 8-00 P.M., the petitioner tried to forcibly pull the wife of the complainant from the *galli* (street) into his house, upon which she shouted. On hearing her shrieks, the complainant, his father Baljit Singh and younger brother Shivdeep Singh came out in the *galli* and stopped the petitioner from doing so. Thereafter, the petitioner brought a *Loon Ghotna* from his house and his younger brother Varinder Singh alias Lali exhorted a *lalkara* to teach a lesson to the complainant and his family members. The petitioner attacked the deceased with the *Ghotna*, which hit on the middle of the head of father of the complainant. The petitioner attacked second time, which hit above his ear.

Learned counsel for the petitioner has submitted that the petitioner and the complainant are first cousins, the petitioner being the son of maternal uncle of the complainant. Apart from the fact that the petitioner is in custody for about 1 year and 9 months, as per the post-mortem report, there was only single injury i.e. *'lacerated wound size 6 cm x 1 cm x bone deep, present obliquely over the right side of the head over panetal region. 1 cm from mid line and 1½ cm above the middle of the right eyebrow. Margins are irregular and contused'*. The injury was not inflicted with a deadly weapon. At the most, the petitioner can be held guilty for offence under Section 304 IPC. The co-accused Varinder Singh @ Lalli has already been admitted on bail by this Court vide order dated 18.10.2019 passed in CRM-M-35697-2019 *Varinder Singh @ Lalli Vs. State of Punjab*. He has further submitted that the petitioner is not keeping good health for quite some time and therefore, he was granted interim bail by this Court for one month vide order dated 20.08.2020, as he was admitted

in Government Medical College/Rajinder Hospital, Patiala for his operation. He had not misused the concession of interim bail in any manner.

Learned State counsel does not dispute the custody of the petitioner. However, he submits that the petitioner has caused serious injuries to the deceased, as a result thereof, he has died. Moreover, there are allegations against the petitioner that he was keeping bad eye on the wife of the complainant and had tried to forcibly pull her from the galli (street) into his house, upon which she shouted. On hearing her shrieks, the complainant, his father Baljit Singh and younger brother Shivdeep Singh came out in the galli and stopped the petitioner from doing so, but the petitioner brought a *Loon Ghotna* from his house and hit the same on the middle of the head of father of the complainant and above his ear, due to which the deceased died. He is not only guilty for offence under Section 302 IPC, rather has committed offence under Section 354 IPC along with other offences as well.

I have heard learned counsel for the parties.

As per the post-mortem report, only single injury was caused to the deceased Baljit Singh, which led to his death. The petitioner is not keeping good health for quite some time and was admitted in Government Medical College/Rajinder Hospital, Patiala, where he was operated upon. The complainant is stated to have been partly examined-in-chief on 30.01.2020, but thereafter, due to Covid-19 pandemic, his examination-in-chief could not be completed. Considering the fact that the petitioner is in custody for a period of about 1 year and 9 months and as against the 22

witnesses cited by the prosecution, only one witnesses has been examined partly and thus trial in the case is not likely to be concluded in near future due to Covid-19 pandemic, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

December 07, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No