

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.17680 of 2020 (O&M)
Date of Decision.01.09.2020
(Heard through VC)

Virsa Singh

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Salil Dev Singh Bali, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail in case FIR No.56 dated 08.05.2018 under Sections 302, 341, 323, 324, 506, 120-B IPC at Police Station Kulgarhi District Ferozepur to the petitioner, who is in custody since 31.08.2018..

Counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the aforesaid FIR. The role attributed to him is of having given a *gandasa* blow to one Kehar Singh on backside of his head, which resulted into his death. It is further argued that a reading of the MLR would show that there was one injury of lacerated wound of 6x0.3 cm with depth of 0.5 cm on right side of head, which is attributed to the petitioner herein, while further submitting that a perusal of the record would show that said Kehar Singh was discharged from hospital in stable condition. The alleged incident took place on 05.05.2018 whereas the FIR was registered under aforesaid sections only on 08.05.2018, therefore, there is considerable delay in registration of the FIR.

Learned counsel for the petitioner also contends that Kehar Singh died on intervening night of 14/15.08.2018 i.e. almost after a period of three months. Statement of son of the deceased would reflect that after discharge, Kehar Singh remained at home, however, was taken to various hospitals for treatment. In the cross-examination, it has also come out that while being admitted at GGS Medical College and Hospital on 06.05.2018, doctors wanted to perform a surgery, which was in fact declined by family members itself. It is argued that the main witnesses have been examined including the doctor, who has confirmed the fact that relatives of Kehar Singh had declined to give their consent for surgery, while also stating that he had been discharged from the hospital in a satisfactory condition. It is further argued that the trial is to start *de novo* since one Labh Singh has recently been arrested and therefore, having been incarcerated since 31.08.2018, he is entitled to regular bail.

Learned counsel appearing for the respondent-State opposes the regular bail by submitting that the petitioner herein is the person, who had inflicted head injury upon the deceased Kehar Singh.

I have heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 31.08.2018 and the deceased was discharged in a stable condition from the hospital and succumbed only on intervening night of 14/15.08.2018 that too on account of septicemia. Admittedly, the doctor in his cross-examination has also stated that Kehar Singh was discharged in a stable condition. Labh Singh has recently been arrested and therefore, the trial is to start *de novo*. Keeping in view the fact that the petitioner has been in custody since 31.08.2018 and the trial is to start *de no*, coupled with the fact that the trial is likely to take some

time to conclude as due to COVID-19 situation, Courts are not working at their full strength and not taking up ordinary hearing matters, no useful purpose would be served in keeping the petitioner behind the bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/ surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

September 01, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No