

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

**CRM-M-18302-2020
Date of Decision: 14.07.2020**

Sukhchain Singh

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.P. Kaushal, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. DAG Punjab.

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VIVEK PURI, J. (ORAL)

The petitioner has prayed for grant of regular bail in case FIR No.142, dated 2.11.2016, under Sections 304, 34 IPC and Section 302 added later on, registered at Police Station Gharinda, Amritsar Rural.

Briefly, the FIR has been registered on the basis of the statement of Dalbir Singh alleging that on 17.10.2016 at about 5 A.M. he received information that his son Sagar Singh who was present in the house of Babbu has been given beatings by Bachittar Singh, Nishan Singh, Sunny and Babbu with hockey, baseball bats and sticks. When the complainant reached the house of Babbu along with Daljeet Singh, he found his son in an injured condition. The injured was shifted to hospital where he succumbed to the injuries.

It has been pointed out by learned counsel for the petitioner that there is delay of more than two weeks in lodging the FIR and even name of the petitioner does not find mention in the FIR. However, his name has been mentioned in the supplementary statement of the complainant on

3.11.2016. There were two injuries on the person of the deceased. The

cause of death has been stated to be cardiac arrest. Furthermore, co-accused namely Bachittar Singh and Nishan Singh, who were named in the FIR have been granted bail by the Co-ordinate Bench of this Court. The arrest of the petitioner was effected as back as on 13.8.2018.

Learned State counsel has not disputed the factual aspect of the matter and has stated that as per the report received from ASI Charanjit Singh, the cause of death of the deceased has been opined to be failure of brain.

It becomes debatable as to whether the injuries could be co-related with the death of the deceased. Moreover, the co-accused who were named in the FIR have already been granted bail. Copy of the bail order pertaining to Bachittar Singh passed in CRM-M-28579-2018 dated 25.2.2019 is also on record.

Considering the above and the fact that conclusion of trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

14.07.2020

Janki

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