

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
207 (PROCEEDINGS THROUGH V.C.)**

CRM-M-18361-2020 &

CRM-18812-2020

Date of decision: 10.08.2020

SUKHDEV SINGH @ BABBU

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Mukesh Singla, Advocate,
for the petitioner.

Mr. B.S.Sewak, Addl. A.G. Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-18812-2020

In compliance with the order dated 29.07.2020, counsel for the applicant-petitioner has placed on record the Post Mortem Report and other documents which are taken on record as Annexures P-10 and P-11.

Application is allowed.

CRM-M-18361-2020

It is the contention of the counsel for the petitioner that according to the postmortem report, there are two injuries which have been found on the person of the deceased. He contends that a perusal of the FIR would indicate that the deceased Gurdial Singh, husband of the complainant Balbir Kaur died because of the fall on the neck. Referring to the postmortem report, he states that the cause of death is the post cervical spine injury with quadriplegia with cervical laminectomy which lead to the respiratory and cardiac failure. He contends that the further allegation with

regard to the beatings, which are alleged to have been given to the deceased while he had fallen down, are not substantiated as there are only two injuries one on the neck and other is on the back of left side of chest. Petitioner is in custody for the last more than eight months and no witness has been examined till date. He, therefore, prays that the petitioner be granted the concession of bail as the trial is not likely to conclude in near future.

Counsel for the State asserts that there are sufficient allegations against the petitioner. He, however, in the light of the postmortem report, could not dispute that there are two injuries on the person of the deceased. The other factual aspects have also not been disputed by the counsel for the State.

In the light of the above, the present petition is allowed as the trial is not likely to conclude in near future.

Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate, Hoshiarpur.

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner.

August 10, 2020*pj***(AUGUSTINE GEORGE MASIH)****JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No