

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

CRM-M-18801-2020 (O&M)

Date of decision : 16.09.2020

Jasvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. Pawan Sharda, Sr. DAG, Punjab alongwith
ASI Mandeep Singh.

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for bail pending trial in a criminal case arising from FIR No.80, dated 18.05.2019, registered under Sections 325, 323, 34 of the Indian Penal Code, 1860, later on Section 302 of the Indian Penal Code, 1860 added, at Police Station Dharamkot, District Moga.

The petitioner is in detention from 27.05.2019.

In a nutshell, the case of the prosecution is that the first informant and her family members used to pass through the passage which goes from the front of the house of the petitioner in order to reach their house. Previously, an altercation had taken place between the petitioner and the deceased. It is claimed that on 04.05.2019 at 2:00 AM, Jagroop Singh, the deceased was killed by various persons named in the FIR.

Learned counsel for the petitioner contends that there is a delay of 14 days in the registration of FIR. He further draws the attention of the Court to the Postmortem Examination Report (Annexure P-3), which reads as under:-

“As per Hospital Record

Admitted under diagnosis of traumatic perforation peritonitis in known case of afeem, Tramadol addict x 10 years and HIV Positive, 3.0 cm x 4.0 cm perforation observed by treating surgeon. In first part of duodenum anterior repaired with gram patch after exploratory laparotomy with gastrotomy and feeding jejunostomy. Clotted Blood was observed in stomach and intestines Note of Bleeding from NG Tube, Hematemesis and Black Coloured stool made, as per treatment record attached herewith.

General Description

xx

Any other

Blood stained dressing present on anterior abdominal wall tattoo marks present on both upper arms. I and D wounds present on anterior abdominal wall, two on each side of vertical stitched wound corresponding to the surgical Exploratory Laprotomy

xx

Opinion

Cause of Death

Septicaemia as a result of complications of injuries which is sufficient to cause death in an ordinary course of nature.”

He further submits that after the occurrence, the deceased was in a condition to make a statement, however, he refused to make any statement. He submitted that after a period of 14 days, the mother of the

deceased coined a story and lodged a false case.

Mr. Pawan Sharda, Sr. DAG, Punjab, has appeared for the State of Punjab and stated that the petitioner has committed a heinous crime.

There is hardly any explanation for the delay of 14 days in the registration of the FIR. The occurrence is stated to have taken place at 2:00 a.m., in front of the house of the petitioner. As per the Postmortem Examination Report, the deceased was a Drug Addict apart from being HIV positive.

As per the reply filed, the petitioner has a clean record as he is not stated to be involved in any other criminal case.

The petitioner is in custody for 1 year and 4 months approximately. The conclusion of the trial is likely to take time as the prosecution has not yet started recording its evidence.

Without commenting on the merits of the case and keeping in view the aforesaid facts, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

16.09.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No