

CRM-M-22936-2020(O&M)
Date of decision: 19.08.2020

BABBU @ AMARJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Ms. Gursharan K. Mann, Advocate
for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic).*VIVEK PURI, J. (ORAL)

The petitioner has prayed for grant of regular bail in case FIR No. 142 dated 02.11.2016, 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 05:00 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. 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, Nishan Singh and Sukhchain Singh have been granted bail by this Court. The arrest of the petitioner was

Learned State counsel has not disputed the factual aspect of the matter and has stated that 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. The co-accused have already been granted bail.

Considering the above and the fact that conclusion of trial is likely to consume sometime, 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.

19.08.2020
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(VIVEK PURI)
JUDGE

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