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

**CRM-M No.30164 of 2019
Date of Decision: 24.01.2020**

SUKHDEV SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Kulbhushan Raheja, Advocate
for the petitioner.

Mr. J.S. Ghumman, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

In compliance of the order dated 15.01.2020, reply by way of affidavit of Gurdeep Singh, PPS, Deputy Superintendent of Police (City), Ferozepur on behalf of the respondent has been filed in Court. The same is taken on record.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.15 dated 18.03.2019, registered under Section 302 IPC at Police Station Arif Ke, District Ferozepur.

The FIR was registered at the instance of Parkash Singh @ Badal son of Resham Singh with the allegations that

he has four paternal aunts. Harjit Kaur was married with Sukhdev Singh. They were having no issue out of their wedlock. Sukhdev Singh was willing to perform his second marriage for which they had no objection, but marriage could not take place.

It has been alleged in the FIR that on 07.11.2018, Harjit Kaur made a call to the complainant and told him that Sukhdev Singh in a state of intoxication had a quarrel with her. On 08.11.2018 at about 7.30 a.m., the complainant received a call from Hira Singh, who is a neighbour of his aunt and thereafter the complainant again received a call from Ajit Singh brother of Sukhdev Singh, who had asked him to come to village Kamala Bodla. He informed the complainant that his aunt was not in a position to speak anything and, therefore, he should reach there and get her admitted in the Hospital. He further told that Sukhdev Singh was not allowing them to enter the house. Thereafter complainant informed Meenu daughter of his second aunt, who is married to one Jassa Singh of village Narhe Malla and asked her to go to the place as the place of residence of the complainant was at some distance.

It has also been alleged that the injured was brought to Anil Baghi Hospital with a head injury on 08.11.2018, At the time of admission, the injured was diagnosed as assault injuries with RT Hemiparesis cause intra cerebral bleed LT F/P Region with #

SUP/INF Pubic RA. The patient was presented with complaint of assault injuries received in a quarrel at home and she was unable to speak and she was also unable to move right arm and was having history of bleeding from forehead. There was no past history of any illness. At the time of admission, the medical ruqa was sent to the Police. The SHO of Police Station, Ferozepur moved an application on 08.11.2018 in respect of fitness of the injured to make statement, but she was found not to be fit to make any statement vide endorsement dated 08.11.2018 at 9.50 p.m. issued by the Hospital. Similarly on 09.11.2018, the patient was found to be unfit to make any statement to the Police. Similarly on 12.11.2018, patient was not fit to make any statement. The patient was ultimately discharged on 15.11.2018.

As per discharge summary prepared by the Anil Baghi Hospital, the patient was conscious but aphasia B/L pupils NSRL (i.e. normal stimulus response to light). She was discharged in a stable condition and follow up treatment was to take place after five days. The patient was advised to take normal diet. In CT scan of the head, no evidence of fracture in visualized bones was found. The patient was taken by the complainant party to her house and she ultimately died on 16.12.2018 i.e. after one month of her discharge from hospital.

Learned counsel for the petitioner submitted that no follow up treatment was provided by the complainant party to the deceased Harjit Kaur and she died for want of timely medical aid. The cause of death according to post mortem report was stated to be complications of head injury i.e. Intracerebellar bleed, which is antemortem and is sufficient to cause death in ordinary course of nature. The death took place in the house of complainant after her discharge from the Hospital in stable condition on 15.11.2018.

At this stage, learned State counsel on instructions from ASI Surjit Singh submitted that the cause of death was in continuation of injury initially received by the injured on her head and the same was an assault with RT Hemiparesis which caused intracerebellar bleeding on the forehead the deceased. The said injury ultimately resulted in cause of death, though on account of complications of head injury.

Learned State counsel further submitted that the challan has been presented and the charges have also been framed. No prosecution witness has been examined so far.

In view of cause of death, the complicity of the petitioner shall remain debatable. Trial of the case may take some time in its culmination.

At this stage, without advertng to the merits of the case, I am of the view that petitioner, who is in custody since 21.03.2019 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 24, 2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No