

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37283-2020

DATE OF DECISION: NOVEMBER 17, 2020

GURMAIL SINGH @ GELLI

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. GURSIMRAN SINGH, ADVOCATE
FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.110 dated 24.11.2019 under Section 302, 307, 323, 325, 341, 148, 149 IPC, Police Station Rori. The petitioner is in custody since his arrest on 8.1.2020.

The FIR was registered on the statement of Ranjit Kaur wife of Angrej Singh who stated that on 21.11.2019, her son Sukhman Singh and Lovepreet Singh went to the house of her Aunt at Muktsar. Thereafter on dated 22.11.2019, she came to know that her son suffered injuries on feet, left hand and head, who was admitted at Neuro Care Hospital, Sirsa. She went there and found her son unconscious, who was unable to speak. She further stated that Lovepreet told her that on the intervening night of 21/22.11.2019 at 3.00/4.00 a.m., he and Sukhman went to the house of Murti on their motorcycle. Sukhjant Singh s/o of Uggar Singh and Sukhwant Singh alongwith 3-4 persons stopped them and started fighting with them

and hit with a wooden danda and he also got injury on his foot. According to the complainant, Janta Singh, Sukhjant Singh alongwith unidentified persons gave injuries to her son Sukhman Singh and Lovepreet Singh, because Sukhman Singh was having love affair with the daughter of Janta Singh. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the co-accused Janta Singh had a motive to commit the crime as victim Sukhman Singh was having an affair with his daughter. He has argued that the petitioner was not named in the FIR, but was later indicted as an accused on the basis of the statement of the co-accused and the injury suffered by victim on the back of head was attributed to him, which was allegedly caused by a wooden danda. The said injury was found simple. Learned counsel for the petitioner has argued that the injured was admitted in hospital on 21.11.2019, who was discharged on 16.12.2019, and subsequently on 20.12.2019, the injured expired. As per the postmortem report, the cause of death was described as 'Septicemia', which led to the addition of offence punishable under Section 302 IPC. According to him, it is equally possible that medical negligence resulted into the death of the victim and therefore, it would be debatable if the case set up by the prosecution would fall within the ambit of Section 302 IPC. It is pointed out that the investigation of the case is complete and therefore, the further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by SI

Bhupender Singh has opposed the aforesaid prayer on the ground that the

offence is serious. However, it is not disputed by him that the injury attributed to the petitioner was found simple in nature, by Dr.Verma in his opinion dated 28.11.2019. He submits that after completion of investigation, the final report was filed on 19.3.2020, however, the charges are yet to be framed.

After hearing learned counsel for the parties, this Court finds that the investigation of the case is complete, but the trial is yet to commence. This Court is cognizant of the fact that the outbreak of global pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody 8.1.2020 and his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 17, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No