

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-38623-2019 (O&M)
Date of decision: 28.09.2020

Dev Raj

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Jasraj Singh, Advocate,
for the petitioner.

Mr. H.S. Grewal, Addl.A.G., Punjab.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Dev Raj, stated to be aged 63 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.17 dated 14.03.2019 under Sections 302/34 IPC, registered at Police Station Hajipur, District Hoshiarpur.

Records of the case show that this case had come up for hearing on 16.09.2019.

Learned counsel for the petitioner based on pleadings submits that the alleged incident is stated to have taken place at 7.30 p.m. on 13.03.2019. The petitioner was arrested on 15.03.2019. A perusal of the FIR would show that the complainant as well as the accused are neighbors to each

others. It has been alleged that the petitioner had caught hold of the brother of complainant, namely, Manjit Singh, who stated to have died later. Learned counsel then refers to Chemical Examiner report shared through Whatsapp to the Admin of Video Conferencing Group, to submit that on 24.07.2019, a team of three doctors had appointed and according to them the cause of death in the present case is vasovagal shock, due to injury No.1. He submits that the medical jurisprudence mandatory would show that vasovagal shock can be even on account of any trigger and can even because of distress.

Learned State counsel, on instructions from ASI Naam Dev, submits that the challan has been presented in this case. There are total of 16 witnesses and only 02 witnesses have been examined. He further submits that on merits the petitioner is not entitled to bail.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is an aged person of 63 years, therefore, he prays for grant of concession of bail. He further submits that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail would be dangerous to his life.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to release the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits

of the case.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

28.09.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No