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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38598-2019 (O&M)

Date of Decision: 03.12.2020

MUNSHA SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Salil Dev,, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in his second attempt in case bearing FIR No.117 dated 18.10.2018, registered under Section 302, 342, 148, 149 IPC at Police Station City Fazilka, District Fazilka. Earlier petition was statedly got dismissed as withdrawn.

Learned counsel for the petitioner submits that petitioner is aged about 75 years and is suffering from various ailments. As per prosecution case, the alleged occurrence took place in the intervening night of 9/10 October, 2018. DDR was

recorded for the offences under Section 323, 148 & 149 IPC. As per medico legal report, eight injuries were found on the person of injured i.e. Sukhwinder Singh who died later on. The cause of death is opined to be acute renal failure. At one point of time, the cause of death was kept pending till arrival of histopathological report. The allegations are that being injured, the then Sukhwinder Singh was dragged in the house of Jagdish Singh when he was returning after watching Ramleela. The grievance was that Sukhwinder Singh was having love affair with daughter of Jasbir Singh. Sukhwinder Singh was tied with a tree and all the accused gave collective beatings to him. Accused Chhinda Singh @ Jaswinder Singh has been granted regular bail by this Court vide order dated 3.11.2020 passed in CRM-M-33683-2020. Petitioner is in custody since 22.10.2018.

Per contra, learned State counsel opposed the bail on the ground that though the injury attributed to the petitioner is non-specific in nature in view of collective beatings by all the accused to the deceased, but in view of opinion of the Doctor, the cause of death is acute renal failure and multiple injuries as described which are collectively sufficient to cause death in ordinary course of nature. In view of the order passed in case of co-accused Chhinda Singh @ Jaswinder Singh, the injury(s) attributable qua the petitioner would remain debatable. The

petitioner is in custody for the last more than 2 years 1 month and 7 days. Two prosecution witnesses have been examined out of total sixteen witnesses.

In view of Covid-19 situation and the stage of the trial, the trial may take some time in its culmination.

In view of aforesaid situation, the petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

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

December 03, 2020

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Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No