

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6718-2021
Date of decision: 27.10.2021

Baljit Singh @ Bulekha

.... Petitioner

V/s

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Anil Kumar Garg, Advocate, for the petitioner.

Mr. Sandeep Kumar DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.127 dated 29.07.2020 registered under Sections 302, 149 IPC at Police Station Koom Kalan, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner states that no overt act has been attributed to the petitioner by complainant-Bahadur Singh regarding the death of his brother-Dara Singh. He further states that as per the post-mortem report, there were two injuries on the person of deceased-Dara Singh, which are not attributed to the petitioner. Even as per the FIR, there was an argument between deceased-Dara Singh and co-accused Gobinda and Sagar. The petitioner has been in custody since 16.09.2020 and the prosecution witnesses are yet to be examined.

Learned counsel for the State while opposing the prayer of the petitioner for grant of bail, points out that the petitioner has actively participated in the occurrence and even as per the opinion of the Board of Doctors, the cause of death was asphyxia due to strangulation, which

was ante mortem in nature and sufficient to cause death in the ordinary course of nature. It is further stated that though the charges have been framed but the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 16.09.2020. No injury is attributed to the petitioner. Charges have been framed. The prosecution witnesses are yet to be examined. The trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

October 27, 2021
sukhpreet

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