

In virtual Court

CRM-M-5036-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5036-2020 (O&M)
Date of decision: 06.08.2021

Kala Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.K. Khunger, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.22 dated 11.07.2018 under Sections 304/323/34 IPC, registered at Police Station Khui Khera, District Fazilka.

It is worth noticing that considering the fact that cause of death in this case was due to Mayocardial Infraction, a report was sought whether it can be on account of aggression of assault on a deceased person, as the incident occurred on 07.07.2018.

Learned counsel for the petitioner has argued that the petitioner is in custody for the last 01 year, 10 months and 29 days and no prosecution witness has been examined so far. It is further submitted that cause of death was due to blockage of coronary artery, which resulted into Myocardial infraction. It is also submitted that on an application given by the DSP, Sub Division Fazilka, District Fazilka, challan is put up under Section 304 IPC.

Learned counsel for the petitioner has further submitted that in the incident, 05 persons from the petitioner's side including the petitioner also suffered multiple injuries, for which a cross-case is registered.

For the sake of brevity, it would be relevant to observe that guidelines and instructions issued by the Director, Health and Family Welfare, Punjab regarding Medicolegal Examination including Post-mortem examination, as per Medicolegal Manual, as circulated by the Director, Health and Family Welfare, Punjab vide letter dated 21.01.2021 to all the concerned hospitals in Punjab, is noticed in detail in CRM-M-23818-2020.

Learned State counsel has filed the custody certificate dated 04.08.2021 in the Court and could not dispute the fact that from the petitioner's side also, five persons have suffered injuries and a cross-version is registered. It is also not disputed that the case is at the stage of recording the prosecution evidence and it will take some time in conclusion of the trial.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid submissions, I

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deem it appropriate to release the petitioner on regular bail.

Accordingly, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

06.08.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No