

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-8572-2021 (O&M)

Date of Decision:- 2.3.2021

Gurpreet Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anantdeep Singh Sandhu, Advocate, for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Naib Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.43, dated 30.5.2020 under Sections 302/34 IPC at Police Station Mehna, District Moga.
2. The FIR in question was lodged at the instance of Gurmeet Kaur wherein it is alleged that on 29.5.2020 at about 2:30 p.m., her sister-in-law Karamjit Kaur wife of Veer Singh @ Shinderpal Singh threw dirty water in front of their house. When complainant's husband stopped them from doing so, a verbal altercation ensued. However,

the respectables intervened and reasoned out with them. It is alleged that later in the evening at about 8 p.m., when complainant's husband Bhupinder Singh was sitting on a platform in the street, her sister-in-law Karamjit Kaur again threw dirty water and to which the complainant's husband again objected. However, in the meantime, Veer Singh @ Shinderpal Singh and his son Gurpreet Singh and Harpreet Singh brought sticks from their house and started giving beatings to complainant's husband. The complainant's husband received internal injuries and fell on the ground. However, the accused gave beatings to him even while complainant's husband was lying on the ground. The complainant's husband was taken to hospital, but he could not survive.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case on account of their being some sibling rivalry and in fact the allegations as levelled in the FIR are neither borne out from the post-mortem report (Annexure P-2) or from the histopathological report (Annexure P-3) which indicate that it is in fact a case of natural death.
4. Opposing the petition, the learned State counsel has submitted that since specific allegations have been levelled in the FIR and it is a case where some internal injuries has been received, no case for grant of bail is made out. It has however, been informed that the petitioners as on date has been behind bars for the last more than 6 months.
5. I have considered rival submissions addressed before this Court.

6. Although, as per FIR, three accused had given several blows with sticks to the deceased leading to his falling on the ground and in fact the deceased was also given more blows when he fell down but the post mortem report does not disclose presence of any injury on his body. Further, as per the supplementary report, the deceased was in fact suffering from a heart disease which was sufficient to cause death in ordinary course of nature. The relevant extract from the said supplementary report (Annexure P-3) reads as follows :-

“After receiving the histopathological report vide Path No.2020/998 dated 08.10.2020, the cause of death in this case, in my opinion, is Ischaenic Heart Disease which is antemortem in nature and is sufficient to cause death in an ordinary course of nature. The time elapsed between injury and death could not be ascertained and the time elapsed between death and postmortem examination is 6 to 24 hours. Sending alongwith the original histopathological report.”

7. Having regard to the aforesaid medical evidence, it is certainly debatable as to whether it is a case of homicidal death or as to whether it is a case of natural death, particularly when the dead body was not found to be sustaining any injury and even the histopathological report does not support the said version. In any case, the petitioner as on date has been behind bars since the last more than 6 months and conclusion of trial is likely to consume more time.

8. In view of the aforestated discussion, the petition merits acceptance and is hereby accepted. The petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

March 2, 2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No