

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

223

**CRM-M-24295-2021
Date of decision: 02.07.2021**

GURMUKH SINGH AND ANRPetitioners

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Imran Farooqi, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioners have filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No. 171 dated 30.07.2020 registered under Sections 304 and 201 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Amargarh, District Sangrur.

Briefly stated the prosecution version as given in the report under Section 173 (2) of the Cr. P.C. is that dead body of young person was found on 17.06.2020. Autopsy on the dead body was got conducted. On 30.07.2020 complainant Ajaib Singh made statement to Inspector/SHO inter alia alleging that on 17.06.2020 at about 9: 30 p.m. his son Kulvir Singh along with his friend Hansraj went to meet his girlfriend namely Kiranpal Kaur and did not come back. On

22.06.2020, he lodged missing report with the Police. On 27.06.2020, he came to know about death of his son Kulvir Singh on being informed by his nephew Baltej Singh regarding circulation of photograph of dead body of his son. He enquired from Hansraj and other persons and on the basis thereof believed that accused Gurmukh Singh and Ram Singh, brothers of Kiranpal Kaur, had seen his son Kulvir Singh with their sister-Kiranpal Kaur and had killed him.

The petitioners being in custody have filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

Custody certificates have been filed by learned State counsel through e-mail, print out of which are taken on record.

I have heard learned Counsel for the petitioners and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case. The petitioners have not committed any offence. As per the post mortem report Kulvir Singh had died due to cardiac arrest. The concerned doctor who conducted post mortem examination on the dead body of Kulvir Singh namely Dr.Charnajot was examined as PW-1 during trial and in his statement the concerned doctor reiterated that Kulvir Singh died due to cardiac arrest and also admitted that there was no injury on the body of deceased except injury on thumb which could be due to fall.

There is no cogent direct or circumstantial evidence as to killing of deceased Kulvir Singh by them. The trial is likely to take long time due

to restrictions imposed to prevent the spread of Covid-19. No useful purpose will be served by further detention of the petitioners in custody. Therefore, the petitioners may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioners having found the deceased with their sister murdered him. As per medical opinion acute episode of emotional distress could trigger sudden cardiac arrest. In view of the nature of accusation and gravity of offences, the petitioners do not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioners, opinion in post mortem report and statement of doctor who conducted post mortem examination on the dead body of the deceased that death was due to cardiac arrest and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioners.

In view of the above, the petition is allowed and the petitioners are ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.07.2021

Vishal

**(ARUN KUMAR TYAGI)
JUDGE**

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