IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-25436 of 2021
Date of Decision: 06.07.2021

Kuldeep Singh @ Pipi

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Amrit Kaur, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

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AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in case of FIR No.42, dated 10th March, 2020, under Sections 302, 323, 341, 506, 147, 149 IPC, registered at Police Station Lalru, District SAS Nagar.

During the inquiry Section 302 IPC was deleted and Section 304 was added.

The FIR was at the behest of Gurtej Singh. It was stated that on 10th March, 2020 at about 9.45 AM, the complainant alongwith his uncle was going to their fields. At that time, Joginger Singh alongwith Kuldeep Singh (petitioner), Kulvir Singh, Baljinder Singh, Mandeep Singh and Jashanpreet Singh were standing in the street having colours in their hands and the accused started throwing colours on them. When objected, they

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started beatings. Joginder Singh raised a lalkara, the father of the complainant reached at the spot, he was dragged and given fist blows on his chest, stomach and head. The father of the complainant was got admitted in Indus Hospital where he died.

Learned counsel for the petitioner submits that as per the PMR there were no external injuries and the cause of the death was '*cardiac arrest'*.

Learned counsel for the State submits that initially cancellation report was proposed which was not accepted by the Senior Superintendent of Police, SAS Nagar, Mohali. On a subsequent application given by the complainant, the matter was re-investigated, Section 302 IPC was deleted and Section 304 IPC was added. She is not in a position to dispute that as per PMR the cause of death was '*cardiac arrest'*. The relevant portion of the report is quoted below.

> *"In our final opinion the immediate cause of death is acute myocardial infarction with sudden cardiac arrest which is sufficient to cause death in ordinary course of nature."*

There is no specific role attributed to the petitioner-Kuldeep Singh. The allegations are that fist blows and kicks were given to the father of the complainant. There were no external injury mark.

Considering the cause of death as mentioned in the PMR, the petitioner-Kuldeep Singh is granted anticipatory bail subject to his joining investigation within two weeks. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join investigation as and when

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called for. He shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

The petition is allowed.

In case of failure of the petitioner to join the investigation, the State would be at liberty to file an application for recalling of this order.

[AVNEESH JHINGAN]
JUDGE

6th July, 2021
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No

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