

217

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

**CRM-M-33440-2021
DECIDED ON: 25th AUGUST, 2021**

BALJINDER SINGH

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Amrit Kaur, Advocate for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

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

[2] This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No.42, dated 10th March, 2020, under Sections 302, 323, 341, 506, 147, 149 IPC, registered at Police Station Lalru, District SAS Nagar, Mohali.

[3] The FIR was at the behest of Gurtej Singh. It was stated that on 10th March, 2020 at about 9.45 PM, the complainant alongwith his uncle was going to their fields. At that time, Joginder Singh alongwith Kuldeep Singh @ Peepi, Kulvir Singh, Baljinder Singh (petitioner), Mandip Singh

and Jashanpreet Singh were standing in the street having colours in their hands and the accused started throwing colours on them. When objected, accused started fighting. 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.

[4] 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*'.

[5] Learned State counsel 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*'.

[6] The allegations are that kick blows were given on the stomach and chest of the father of the complainant. There were no external injury mark.

[7] Considering the cause of death as mentioned in the PMR and that co-accused were granted bail by this Court, the petitioner- Baljinder Singh is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

[8] The petition is allowed.

[9] It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

25th AUGUST, 2021
sham

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |