

In the High Court of Punjab and Haryana at Chandigarh

205

CRM-M-29047-2020 (O & M)
Date of Decision: December, 03, 2021

GURVAIL SINGH AND ANOTHER**PETITIONERS**

VERSUS

STATE OF PUNJAB**RESPONDENT**

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Harsimrat Randhawa, Advocate for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioners are seeking regular bail in FIR No.160 dated 14.05.2020, under Sections 302 and 34 IPC, registered at Police Station City Patti, District Tarn Taran.

Learned counsel for the petitioners contends that although it is alleged in the FIR that the petitioner had given dang blows to the deceased but the postmortem report did not indicate any external injury. Doctors had opined that the cause of death would be ascertained after receipt of the chemical examiner report. In the report of the chemical examiner, it is stated that no poison was detected. The Board of Doctors had opined that it is difficult to ascertain the cause of death. The complainant in his deposition before the trial Court as PW-1 did not support the prosecution case with regard to the involvement of the petitioners and had stated that the deceased had died a natural death due to old age as he was 70 year old. The petitioners are brothers and they are in custody for over 01 year and 06 months.

Learned State counsel has drawn my attention to the affidavit filed by the respondent-State wherein report of the Chemical examiner which has been appended as Annexure R-1 states that no poison has been detected. The final opinion with regard to the cause of death was sought from Board of Doctors, who had opined that exact cause of death in this case could not be ascertained at this stage. The opinion of the Board of Doctors is annexed as Annexure R-2.

Heard.

In view of the above, especially when there is no external injury and no poison has been detected, the complainant has not supported the prosecution case qua the involvement of the petitioners, the petitioners are in custody for over 01 year and 06 months, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioners.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioners are ordered to be released on regular bail on their furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

December, 03, 2021
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No