

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-31942-2020 (O & M)
Date of Decision: December, 09, 2021

RATTAN SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Ranbir Singh Sekhon, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.106 dated 10.07.2018, under Sections 302, 148 and 149 IPC, registered at Police Station Sadar Jalalabad, District Fazilka.

Learned counsel for the petitioner contends that that the petitioner has been attributed an injury on the right shoulder of the deceased with a 'saria'. This injury in the Postmortem Report was injury No.5 and was found to be an abrasion. This injury has been described as under:-

“5. Abrasion of 2 x 1 cm on right shoulder joint associated with bruise of 5 x 2 cm, tenderness present, x-ray was advised for shoulder joint.”

The doctor, who was examined as PW-1, had opined that all the injuries were on the non-vital parts of the body and there is least possibility of death due to these injuries. It was also stated by the doctor that the patient was

complaining of pain in the abdomen and he suspected some renal stones as the output of urine was low but before the patient could be managed symptomatically, he collapsed and died within 15 minutes.

The petitioner is in custody for over 03 years and 04 months since his arrest on 18.07.2018. The incident is stated to have taken place as the deceased, who was 70 year of age, was trying to mediate in a dispute between two factions of the village. He also contends that earlier 02 prosecution witnesses including the afore-noted doctor had been examined but after an application under Section 319 Cr.P.C. had been allowed for summoning of additional accused, the trial had come to a stand still. The petitioner does not have criminal antecedents.

Learned State counsel states that the petitioner is alleged to have inflicted a blow with a 'saria' on the shoulder of the deceased. After the summoning of the additional accused, no witness has been examined.

Heard.

In view of the above, especially when the petitioner is in custody for over 03 years and 04 months, he does not have criminal antecedents, 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 petitioner.

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

(ANUPINDER SINGH GREWAL)
JUDGE

December, 09, 2021

A.Kaundal

Whether speaking/ reasoned : Yes/No

Whether Reportable : Yes/No