

**207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-36029-2020 (O&M)
Date of Decision : 05.04.2021**

Sohan Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 138 dated 02.09.2018 under Sections 302 and 34 of the IPC registered at Police Station Badhani Kalan, District Moga, Punjab.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Baljit Singh (since deceased), it is stated that on 27.08.2018, when he was present in his house along with his mother, in the meantime, Binder Kaur who is his neighbour called them in front of our house and asked them why they abused her. Thereafter, Iqbal Singh armed with iron rod, his brother Gurmail Singh armed with iron rod and their father Sohan Singh (petitioner) carrying stick in his hands came and gave a blow of stick to

him and to save himself, he raised his right hand and the stick hit on his thumb and it also hit on his elbow of his right hand and on his right wrist. Then Iqbal Singh gave blow of iron rod which he was holding in his hand and the same hit on his left shoulder. Then, Gurmail Singh gave two blows of rod which hit on his head and right ear. During the said incident, Binder Kaur kept on instigating all the accused that Baljit Singh should not be left. His mother tried to rescue him but they all gave beatings to her and then ran away.

Learned counsel for the petitioner further submits that though during the trial, PW-1 Surjit Kaur i.e. mother of the deceased and PW-2 Manjit Singh, who is another prosecution witness have duly supported the prosecution version regarding active role played by the petitioner and his sons in causing murder of Baljit Singh, however, as per the statement of PW-4 Dr. Aman Garg, who has conducted the MLR and later on, was the member of the Board which conducted the post-mortem, has stated that from the time when the victim was admitted in the hospital i.e. on 27.08.2018 till his death, there was no sign of serious condition of the patient that he was in a proximate stage of death and no specific treatment was given to him.

Learned State counsel, however, opposes the prayer on the ground that as per the statement of PW-4 i.e. Dr. Aman Garg, all the injuries have been duly reported in the MLR as well as in the post-mortem report, which reflects stitched wound of 6 cm on right parieto occipital region; stitched wound of 2 cm on right mastoid region; stitched wound of 5 cm on left temporo parietal region; scabbed abrasion of 2 cm on right shoulder and the cause of death is given due to the injuries on the brain and, therefore, the oral version given in the FIR is supported by the medical evidence.

I have heard learned counsel for the parties.

Without commenting on the merits of the case and considering the serious allegations against the petitioner, I find no ground to grant him the concession of regular bail.

Accordingly, the present petition is dismissed.

05.04.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No