

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

105

**CRM-M-40834-2020 (O&M).
Date of Decision: 21.12.2021.**

Kuldeep Singh @ Ghula

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. D.S. Pheruman, Advocate for petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.(Oral)

This petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-**Kuldeep Singh @ Ghula** in case FIR No.84 dated 02.06.2019 under Sections 148, 302 and 323 IPC read with Section 149 IPC (Sections 201 and 452 IPC added lateron), registered at Police Station Sadar, Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally false, frivolous and concocted one and there is no iota of truth therein. He further submits that allegedly petitioner alongwith co-accused namely Gurlal Singh @ Lalo and Prabh while armed with *Daang* constituted unlawful assembly and in prosecution of common object of said assembly inflicted injuries on the person of injured-Bahal Singh and further inflicted injuries on the person of Mohan Singh (since deceased), which injuries proved fatal. He further submits that above said allegations have no footing to stand as material witnesses namely Bahal Singh (complainant), Sahib Singh and Kuldeep Kaur, vide their

respective affidavits (Annexures P/6 to P/8), have altogether exonerated the petitioner of charges levelled against him. He further urges that the only injury detected on the body of Mohan Singh (since deceased) is punctured vein of left hand, which was due to IV cannulation during treatment in Civil Hospital, Tarn Taran, whereas no other injury was seen all over the body, as is evident from Postmortem Examination Report 04.06.2019 (Annexure P/2) of deceased Mohan Singh. He further urges that as per final opinion dated 10.05.2021 from Government Hospital-cum-Medical College, Taran Taran, Board of Doctors have opined regarding cause of death of Mohan Singh as under:-

“After going through the police inquest paper, treatment record, histopathological report No.2269.19 dated 17.07.2019 and chemical examination report No.5297 dated 04.11.2019, the Board of Doctors is of the opinion that no cause of death can be given being a case of negative autopsy, however, possibility of natural death cannot be ruled out in this case”.

Learned counsel for petitioner further urges that petitioner is languishing in custody since 29.07.2020 and he is no more required by the Investigating Agency for any investigation purpose as after completion of investigation, final report as envisaged under Section 173 Cr.P.C. (Challan) has already been presented in Court. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence,

I have heard learned counsel for the parties and carefully gone through the record of the case.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is languishing in custody since 29.07.2020; that petitioner is no more required by the Investigating Agency for investigation purpose as after completion of investigation final report as envisaged under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Kuldeep Singh @ Ghula** is allowed and he is ordered to be released on bail on his furnishing personal bond surety bond to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Tarn Taran, as the case may be.

(LALIT BATRA)
JUDGE

21.12.2021

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No