

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-40630 of 2020
Date of decision:29.10.2021

Rajwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Ms. Arti Kaur, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the petitioner in case FIR No.243 dated 19.06.2020 registered under Section 304 of Indian Penal Code, 1860 at Police Station Goindwal Sahib, District Tarn Taran (Annexure P-1).

As per the version of the prosecution, FIR (Annexure P-1) came to be registered on the statement of Gurmit Kaur, wife of Ninder Singh @ Kaku, brother of the petitioner. A few days prior to the incident, Gurmit Kaur had left for her paternal home due to difference with her husband. On 19.06.2020, when Rajwinder Singh (present petitioner) went to her paternal home, an argument ensued between him and

Akashdeep Dass, brother of the complainant and in the altercation, Rajwinder Singh pushed Akashdeep Dass, who fell and his head struck against the leg of the cot, as a result of which he died. The incident was witnessed by Manjit Kaur, mother of the complainant. The petitioner was arrested on 21.06.2021.

Counsel for the petitioner submits that complainant is the sister-in-law of the petitioner and dispute between her and her husband has been settled and now she is happily residing at her matrimonial home. He has referred to the affidavits (Annexures P-2 and P-3) attested on 05.09.2020 to submit that both the complainant and her mother have deposed that FIR was registered on the basis of suspicion and that petitioner is not responsible for the death of Akashdeep and that neither do they want to take any action against him nor do they have any objection in case he is acquitted of the charge or is granted bail. Counsel asserts that the petitioner, who has unblemished past, is no longer required for custodial interrogation as challan has been presented, charge has been framed but the prosecution evidence is yet to be recorded and the petitioner deserves to be released on bail.

Opposing the petition, State counsel upon instructions from ASI Hari Singh by making a reference to the reply filed by way of affidavit of Deputy Superintendent of Police, Sub-Division Khadoor Sahib, District Tarn Taran has submitted that though at the time of filing of the affidavit, the cause of death was not declared but he has received instructions regarding opinion given by Board of Doctors, which is reproduced as

under:-

“As per chemical analysis report No.4335 dated 06.11.2020, no poison detected in the contents of Exhibit I, II, III, IV and V and histopathological report No.1628/2020 dated 17.08.2020 shows right and left coronary arteries are thickened and patent microscopic appearance of heart shows hypertrophy of cardiac myosites. Left coronary artery section shows thickening of tunica media. Right Coronart artery section shows prominent thickening of tunica media and features of arteriosclerosis. Microscopic appearance of lungs shows congestion of interstial vessels. After going through postmortem examination, chemical and histopathological report this Board of Doctors is of opinion that the cause of death in this case could not be ascertained.”

Upon further instructions, he submits that after framing of the charge on 11.05.2021, none out of 18 prosecution witnesses has been examined.

Ms. Arti Kaur, counsel representing the complainant affirms that the affidavits (Annexures P-2 and P-3) have been executed by the complainant and her mother and they stand by the same.

I have considered the respective submissions of counsel for the parties.

Keeping in view the above circumstances, this Court is of the view that involvement of the petitioner in the alleged offence would remain

questionable and the petitioner, who is in custody since last more than one year and four months, would be entitled to be released on bail as the trial is likely to take time to conclude.

Without examining the merits or demerits of the arguments addressed by the counsel for the parties, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

October 29, 2021
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>