

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

CRM-M-41932-2020

Date of decision : 20.04.2021

SATBIR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Mayuri Lakhanpal Kalia, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana
for the respondent-State.

...

SUVIR SEHGAL, J.

Vide the instant petition filed under Section 439 of the Code of Criminal Procedure, 1973, the petitioner seeks grant of regular bail in FIR No.111 dated 20.04.2020, lodged for offences under Sections 302, 307, 323 and 334 of the Indian Penal Code, 1860 at Police Station Civil Line, Kaithal, District Kaithal (Annexure P-1).

FIR (Annexure P-1) has been registered on the complaint of Simranjeet wife of Gagandeep on the allegation that her father-in-law, Satbir, present petitioner, is working as an Inspector in the Haryana Police and she along with her husband, brother-in-law and his wife and her in-laws are staying together in the Government Police Quarter, Kaithal. She alleged that her father-in-law normally consumes liquor in the evening and

thereafter her in-laws abuse and quarrel with their sons and daughters-in-law. On 19.04.2020, at about 10.00 p.m., her father-in-law in a drunken stupor, started abusing and quarrelling with them. Even though, attempt was made to pacify him, her mother-in-law intervened and instigated her father-in-law to shoot them and finish them. Her father-in-law brought out a service revolver and fired at Pardeep, brother-in-law of the petitioner, who fell down after being hit. Gagandeep, her husband ran towards the father-in-law, who fired at him and he also fell down. Her father-in-law then aimed the pistol at her, but she ran out of the room and jumped down from the balcony injuring her foot in the process. Her husband died at the spot. The petitioner was arrested on 21.04.2020.

Counsel for the petitioner has argued that the incident, as alleged in the FIR is highly unbelievable as no father would cause fatal fire arm injury on his son. Counsel has referred to the representation dated 24.09.2020 (Annexure P-5) submitted by Pradeep, allegedly injured son of the petitioner, to the Superintendent of Police, Kaithal, wherein he stated that the challan presented by the Police contains his and his wife's statement, which they never made. It has further been submitted in the representation that the applicant and his wife had been repeatedly contacting the Investigating Officer for recording of their statements but he never did so and the report has been submitted by him by suppressing material facts. Still further, counsel submits that the medical condition of the petitioner is not good. She has referred to the Essentiality Certificate for Medical Reimbursement (Annexure P-6), which is supported by the

discharge summary from Arpana Hospital as well as medical bills, to submit that the petitioner is a diabetic as well as suffering from serious heart ailment. According to the counsel, the medical condition of the petitioner is apparent from the personal profile of the petitioner (Annexure P-7), which has been issued by the District Prison (Kaithal), Haryana, which shows that from June 2020 onwards, he has been under a regular medical treatment for various ailments. Counsel has also referred to the order dated 11.06.2020 passed by the Additional Sessions Judge, Kaithal (Annexure P-2), to submit that the wife of the petitioner (mother-in-law of the complainant) has been released on bail. Counsel submits that the investigation is complete, challan has been presented and the petitioner, who is in custody, deserves to be enlarged on bail more particularly keeping in view the surge in the reported cases of virus.

Opposing the petition, State Counsel, upon instructions, from SI Subhash Chander submits that in his disclosure statement, the petitioner has stated that his son Pradeep had married Sonia against their wishes and they were not happy with the marriage, which was the primary cause of fights between them. He has also relied upon the details of the alleged occurrence given by the petitioner in his disclosure statement. He has made a reference to the reply filed by way of affidavit of Deputy Superintendent of Police (CAW), Kaithal, to submit that the petitioner had fired two shots at his son, Pradeep and when the other son, who is deceased, intervened, two shots were fired at him, which resulted in his death. The petitioner then fired a shot at Sonia, however, she managed to save herself but both the petitioner

and his wife injured Sonia by hitting her with the revolver butt a number of times. State Counsel further submits that recovery of the service revolver, five empty cartridges and four live rounds have been effected from the petitioner. As per his instructions, the ballistic report shows that the bullets had been fired from the service revolver of the petitioner. State counsel submits that the final report under Section 173 (2) of the Code has been presented against the petitioner and his wife, the charge has been framed on 05.03.2021 and the trial is fixed for evidence of the prosecution.

I have considered the rival submissions of the parties.

After noticing the contentions of the counsel for the petitioner, vide order dated 25.02.2021, this Court directed the State to get the petitioner medically examined and to submit a report. Alongwith the affidavit of Deputy Superintendent of Police (CAW), Kaithal, the State has filed the medical report dated 24.03.2020 (sic 2021) (Annexure R-1), which reads as under:-

“CARDIOLOGY DEPARTMENT PT. B.D. SHARMA PGIMS, ROHTAK
No.Cardio/21/282 *Dt. 24.03.2020*

Medical Report

Prisoner-patient Shri Satbir Singh S/o Shri Ram Kishan, 58 years old Male was admitted to Cardiology Ward-30 vide CR No.19504. Patient was diagnosed as a case of Ischemic Heart Disease (IHD)/Diabetes Mellitus type-II (DM-II)/Cerebrovascular Accident (CVA)-Infarct. His Coronary Angiography (CAG) was done on 20.03.2021 revealed left main disease with Triple Vessel Disease (LM+TVD). Patient was advised Coronary Artery Bypass Grafting (CABG) for his illness.

Patient was shifted to Cardiothoracic & Vascular Surgery (CTVS) Department Ward-31 on 22.03.2021 for further treatment.

*Sd/- 24.03.2021
Associate Professor
Department of Cardiology
PGIMS, Rohtak”*

When the above report is seen with the Medical Reimbursement Form (Annexure P-6), it is apparent that the petitioner is suffering from hyper tension and diabetes mellitus. Notice of the fact can be taken that once again there has been a resurgence in the number of positive cases of corona virus and the country is facing a second wave. Persons suffering from hyper tension and diabetes mellitus are more susceptible to the virus. The overall health condition of the petitioner, who is 58 years of age, is not good. He is admitted in a specialized hospital and has been advised a heart surgery.

Still further, in the background of the representation (Annexure P-5) submitted by Pardeep, son of the petitioner, who is one of the eye witness as well as person allegedly injured in the occurrence, the material collected by the prosecution would remain debatable. This Court is prima facie of the opinion that the petitioner would be entitled to be released on bail, pending trial.

Keeping in view the above facts and circumstances, the nature of allegations, gravity of offence, the period of incarceration of the petitioner, which by now is one year, the fact that the trial is likely to take time due to the spread of contagion and above all his medical condition, the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the

satisfaction of the trial Court. The petitioner shall surrender his arms license as well as fire arm, if any, owned/possessed by him. It shall be open to the trial Court to impose any other condition, it deems appropriate.

Petition is accordingly allowed.

It is clarified that nothing said herein above shall be construed to be an expression of the merits of the case.

(SUVIR SEHGAL)
JUDGE

20.04.2021
Kamal

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No