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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.44103 of 2020 (O&M)

Date of decision: 19.03.2021

Manjit @ Manjeet Singh @ Billa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.42 dated 02.03.2020, for offence punishable under Sections 304, 201 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station B-Division, Amritsar City District Amritsar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Narinder Singh @ Kala, it is stated that he is doing labour work and his marriage was solemnized in the year 2004 with Meenu and he has two children out of the said wedlock. Meenu was working as a Dancer in Punjab Cultural Group and the petitioner – Manjit @ Manjeet Singh @ Billa, was also working in the said group for the last 7-8 years. Manjeet Singh used to come to the house of the complainant and on 01.03.2020, both of them i.e. Manjeet Singh and Meenu, informed the complainant that there is a function and they have to attend the same and they will return in the

morning. Thereafter, at about 09:30 PM, Meenu and the petitioner Manjeet Singh went away and at about 03/03:30 AM in the morning, the petitioner gave a call from the mobile number of Meenu, informing the complainant that they were staying in a hotel where Meenu has fainted away and thereafter, the call was disconnected. When the complainant went to the place of hotel, he found that Meenu had died and the petitioner was not present there.

Counsel for the petitioner has further submitted that as per the Post-mortem report, the cause of death was ASPHYXIA. Counsel for the petitioner has referred to the Post-mortem report, wherein the cause of death is opined as under:-

“After going through post-mortem report, inquest report, Histopathology Examination Report, Chemical Examination Report and Forensic Science Laboratory Report of above mentioned case, in our opinion the cause of death in this case is asphyxia as a result of aspiration which is ante-mortem and sufficient to cause death in the ordinary course of nature.”

Counsel for the petitioner has, thus, argued that there is no specific finding recorded by the Board as to how asphyxia occurred in this case as there can be many reason for the same and the same has not been explained.

Counsel for the State has filed the Custody Certificate along with the affidavit of the Inspector/SHO, Police Station B-Division, Amritsar City are taken on record. The report of the Medical Officer, Forensic DNA Test Report and the opinion of the Doctor/Chemical Examiner, are also taken on record as 'Mark A'.

Counsel for the State on the basis of the affidavit of the

Investigating Officer has argued that during the investigation, it was found that the scooter, on which the deceased – Meenu and the petitioner – Manjeet Singh, had gone, was found parked outside the hotel and there was an entry in the booking register. As per the CCTV footage also, the petitioner – Manjeet Singh and the deceased – Meenu, were found entering into the hotel. It is further submitted that as per the Post-mortem report, the following injuries were found on the dead body of the deceased:-

“i) TWO ADJACENT REDDISH BROWN ABRADED CONTUSIONS MEASURING 10.5X208 CM AND 9.0 X 2.5 CM RESPECTIVELY PRESENT ON ANTERIOR SIDE OF CHEST IN THE MIDDLE.

ii) REDDISH BROWN ABRASION MEASURING 1.3 X 0.5 CM OBLIQUELY PRESENT, 0.5 CM BELOW LATERAL SIDE OF LEFT EYEBROW.

iii) REDDISH BROWN ABRASION MEASURING 0.8 X 0.5 CM PRESENT ON LEFT SIDE OF FCE, 1 CM LATERAL TO THE OUTER CANTHUS OF LEFT EYE.”

Counsel for the State has further submitted that as per the Chemical Examiner Report and Forensic Laboratory Report, no poison or spermatozoa was detected in the viscera and vaginal swabs of the deceased Meenu and the final opinion as noticed above regarding the cause of death as asphyxia was given on the basis of the Post-mortem Report, Inquest Report, Histopathology Examination Report, Chemical Examination Report and Forensic Science Laboratory Report.

A perusal of the affidavit of the Investigating Officer, further show that as per the disclosure statement of the petitioner, nothing has come that any untoward incident has happened as it is

stated that the health condition of the deceased Meenu was deteriorated as she fell unconscious and then, the petitioner informed her husband and had thrown the mobile phone.

Counsel for the petitioner, in reply, has argued that the entire medical record neither suggests that the petitioner has any forcible or consensual sex with the deceased as no spermatozoa was found nor there is any such evidence that asphyxia was on account of putting anything around the neck of the deceased Meenu as 03 injuries were found on the deceased, which were on the chest, eyebrow and left eye.

Counsel for the petitioner has further submitted that the injury on chest can be on account of giving C.P.R. (Cardiopulmonary resuscitation) for revival of the heart as the deceased was feeling breathlessness. Counsel for the petitioner has, thus, submitted that in the presence of the medical opinion, it cannot be said that the petitioner, in any manner, was responsible for the death of the deceased – Meenu as they have gone to the hotel in connection with some function. Lastly, it is submitted that the petitioner is in custody for the last about 07 months; challan stands presented and on the basis of the medical record, some supplementary challan is to be filed, however, the evidence of the prosecution witnesses is yet to be examined.

After hearing the counsel for the parties and going through the records, the allegations in the FIR and the medical opinion of the Doctor, I deem it appropriate to grant the concession of regular bail to the petitioner.

Accordingly, without commenting anything on merits of

the case, considering the fact that the petitioner is in custody for the last about 07 months; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

19.03.2021
yakub

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