

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2618-2022

DATE OF DECISION: MAY 10, 2022

PRABHJOT SINGH @ SUNNY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.S. SIDHU, ADVOCATE
FOR MR. G.S. NAHEL, ADVOCATE
FOR THE PETITIONER.

MR. DHARUV DAYAL, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.45 dated 19.3.2021, under Section 304 IPC, Police Station Sadar Dhuri, District Sangrur, who is in custody since his arrest on 14.4.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Sangrur in the order dated 18.10.2021, are as under:-

“FIR in the present case was got lodged on the basis of statement of complainant Biba wife of late Gurmail Singh who had alleged that about four months ago, her husband had died who was employed in Railway Department. She has two children namely, Sandeep Kaur who is married and Sahibjot Singh. About 15 days ago, her son had got job in the Railway Department on the basis of compassionate ground. On 18.03.2021 at about 6:00 P.M., her son had gone with applicant Prabhjot Singh alias Sunny. Then at about 11:00 P.M., applicant

came to her house and told her that her son was not feeling well but there was nothing to worry as he would get well soon. Thereafter, applicant left her house in a hurry. She along with Lakhvir Singh went to the house of applicant and found her son lying still on a cot on the terrace and was covered with a sheet (pali). On checking, they found that he had already died.”

Learned counsel for the petitioner has argued that the complainant's son accompanied the petitioner at 6.00 p.m. on 18.3.2022 and later on his health condition turned poor and the petitioner went to the house of the complainant and informed her and when they returned back, Sahibjot Singh had died. He submits that according to the prosecution, the petitioner instead of taking the victim to the hospital went to his house and on account of this negligence, the victim died. He has argued that the complainant has already been examined as a witness and she has not expressed any suspicion upon the petitioner in connection with her son's death. He prays for bail.

On the other hand, learned State counsel assisted by ASI Mehar Singh while opposing the aforesaid prayer has argued that the victim had accompanied the petitioner and as per the post mortem report, the complainant's son died of poison, however, as per prosecution, it is not the case that the petitioner administered the poison.

Considering the above background, the custody of the petitioner, and the fact that the complainant has already been examined, the further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

May 10, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No