

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

CRM-M-7809-2022

Date of decision: 29.07.2022

Harjinder Singh

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Salil Dev Singh Bali, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Status report dated 20.07.2022, by way of affidavit of the Deputy Superintendent of Police, Sub Division Gidderbaha, District Sri Muktsar Sahib, filed in the Registry, is taken on record.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.262 dated 28.09.2020, registered under Section 304 IPC, Sections 302, 452, 450, 120-B IPC (added later on), at Police Station Kotbhai, District Sri Muktsar Sahib (offence changed to Sections 304, 450 and 34 IPC vide supplementary challan dated 23.02.2021).

Learned counsel for the petitioner submits that the petitioner is the brother-law of the deceased; that no injury has been attributed to the petitioner; that there was no intention behind the alleged occurrence and no weapon was used in the same; that the deceased had died due to cardiac arrest and that co-accused, namely, Jagdeep Singh @ Jagjit Singh has since been granted the concession of regular bail by this Court, vide order dated 07.12.2021.

Learned counsel further contends that as per the prosecution version, the petitioner had given fist blows to the deceased, but as per the medical report, there was no injury on the person of the deceased.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner is closely related

to the deceased; that the petitioner was having full knowledge of the fact that the deceased had been suffering from chronic heart ailment, and that the petitioner had very much intended to cause the death of Kulvir Singh alias Kamir Singh.

I have heard the learned counsel for the parties.

A perusal of the status report would show that there was no injury on the person of the deceased, and that death was due to complications of myocardial fibrosis and atherosclerosis. As per the report of the Chemical Examiner, Kharar, no poison was detected in the dead body.

The petitioner has been in custody since 30.09.2020. Out of 24 prosecution witnesses, only 01 witness has been examined so far. Moreover, an application under Section 319 Cr.P.C., for summoning the additional accused, is also pending adjudication before the trial Court. Trial of the case would take time to conclude. As stated above, the co-accused has since been granted the benefit of regular bail. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

29.07.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No