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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16197-2021
Date of Decision: 20.04.2022

Sunny Kumar

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Brijesh Nandan, Advocate, for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present is the fourth petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.176 dated 30.06.2019, under Section 308 of IPC, registered at Police Station Sadar, District Amritsar.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 02.07.2019 and the case is at the stage of prosecution evidence. He further submitted that none of the workers in the factory had come forward and deposed in the present case and the allegations against the petitioner were that he was also working in the factory and when he had infused air pressure in the stomach of deceased Rajesh Kumar through anus and because of which he had sustained internal injuries. He further submitted that in view of the long custody of the

petitioner, he may be considered for the grant of regular bail.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab has stated that an affidavit has been filed by the Assistant Commissioner of Police (North), Amritsar City and while referring to the affidavit he submitted that it is a case which can be categorized as not only serious but also heinous in nature. He further submitted that as per the allegations the complainant who is father of deceased Rajesh Kumar is also co-worker in the factory where large number of people work and different machines are placed at different level and when the complainant left the premises thereafter the petitioner who was working on the machine alongwith deceased Rajesh Kumar had forcefully infused air pressure in the stomach of deceased Rajesh Kumar through anus and ultimately the condition of the deceased became serious and number of surgeries were effected upon him and due to involvement of multiple organs, ultimately the aforesaid Rajesh Kumar unfortunately died. He further submitted that before his death the aforesaid Rajesh Kumar had deposed before the Court and also supported the prosecution version and had given details as to how the offence was committed. He further submitted while referring to para 11 of the affidavit filed by the State that the State has a complete apprehension that in case the petitioner is granted bail, then he may influence or threat the prosecution witnesses and may also prejudice the trial and considering the seriousness of offence in the present case, the petitioner is not entitled for the grant of regular bail.

I have heard the learned counsel for the parties.

The petitioner is in custody from 02.07.2019 and some of the prosecution witnesses have been examined. The deceased Rajesh Kumar

before his death had also deposed as PW1 and as per the learned counsel for the parties he had given the details as to how pressure air was inserted in his anus and his internal organs were damaged which also resulted in multiple number of surgeries. The apprehension expressed by the learned State counsel based upon the affidavit filed by the State that in case the petitioner is granted bail, then he may threaten the remaining prosecution witnesses and may also prejudice the trial cannot be ignored. Therefore, considering the severity and gravity in the present case and also the deposition made by the deceased himself would disentitle the petitioner for grant of bail.

Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

20.04.2022

rakesh

(JASGURPREET SINGH PURI)**JUDGE**

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