

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-16789-2022 (O&M)

Date of Decision:- 28.4.2022

Ranjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Arora, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by SI Nirmal Singh.

GURVINDER SINGH GILL, J. (Oral)

CRM-15293-2022

In view of the reasons mentioned in the application, the same is allowed as prayed for and Annexure P-6 is taken on record subject to all exceptions.

CRM-M-16789-2022 (O&M)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.154, dated 8.11.2021, Police Station Sadar Patti, District Tarn Taran, under Sections 302, 34 IPC.
2. The FIR was lodged at the instance of Lakhwinder Singh wherein it is alleged that on 8.11.2021 at about 5 am, his brother left for the

fields so as to irrigate his fields. It is alleged that Ranjit Singh (petitioner), Gurbhej Singh and Gurpreet Kaur were already present there. Gurpreet Kaur raised a *lalkara* exhorting her companions to catch hold of Sukhdev Singh and to teach him a lesson for diverting water into their land. Immediately thereafter Gurpreet Kaur is alleged to have caught hold of Sukhdev Singh while Gurbhej Singh held him from both of his arms. Petitioner-Ranjit Singh is alleged to have strangled Sukhdev Singh to death.

3. Learned counsel for the petitioner has submitted that he as well as other co-accused have falsely been implicated and that infact it is a case of a natural death as has also been opined by the Medical Board in its opinion dated 8.11.2021 (Annexure P-6).
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and it is the petitioner who is specifically stated to have strangled Sukhdev Singh to death, no case for grant of bail is made out. It has however, been informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. The allegations are very specific to the effect that the petitioner strangled the neck of the deceased. However, a perusal of the post mortem report (Annexure P-3) would show that no injury mark was found on the person of the deceased so as to suggest that any kind of force had been used. The petitioner has today placed on record a copy of the opinion of the Medical Board, the relevant extract of which reads as follows:

“Now after going through PMR, Police papers, Chemical Examiner Report and Histopathology Report and discussion (verbal) with Forensic Medical Dept. The Board of Doctors of the opinion that the cause of death in this case in opinion of Board of Doctors is failure of functions of Heart and Lungs (vital organs) which is sufficient in ordinary course of nature to cause death.”

7. The aforestated opinion of Medical Board will certainly make it debatable as to whether it is a case of strangulation or it is a case of natural death. In any case, challan already stands presented and charges are yet to be framed and as many as 22 PWs have been cited. The petitioner otherwise is not stated to be involved in any other case. In these circumstances, further detention of the petitioner will not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. It is however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

28.4.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No