

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.25672 of 2022
Date of decision : 09.06.2022

Ranjeet Singh @ Gopi

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Arjinder Singh Sidhu, Advocate
for the petitioner.

Mr. Sukhbeer Singh, Asstt. A.G. Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.120 dated 18.08.2017 registered under Sections 302, 201, 384, 365, 506 and 34 of IPC at Police Station Dialpura, District Bathinda.

Counsel for the petitioner, *inter-alia*, relies upon the order dated 25.08.2020 passed in CRM-M-10694-2020 titled as “Kamaljot Singh @ Kamal vs. State of Punjab” whereby the co-accused, namely, Kamaljot Singh @ Kamal has been granted concession of regular bail by this Court and claims parity.

Learned counsel further submits that one Dr. Shilekh Mittal, Professor, Department of Forensic Medicines, GGS Medical College, Faridkot, who is part of the Board which conducted postmortem examination on the body of the deceased has been examined as PW-8 in this case. He stated that:

“It takes about 3 to 6 weeks for an adult limb to form adipocer. In this case, death could have occurred 5 to 6 weeks prior to the postmortem examination. No cause of death could be ascertained in this case. I cannot comment if it could be a natural death. Facial features were not visible and dead body was not identifiable.”

It is submitted that the occurrence is said to have taken place on 16.08.2017 and the postmortem was conducted on 05.09.2017. As per the medical evidence “*the death could have occurred 5 to 6 weeks prior to the postmortem examination*”. The contention on the basis of the medical evidence is that whole of the case of the prosecution falls. As per the statement of PW-8, no cause of death could be ascertained in this case. Thus, the counsel for the petitioner would contend that there is no evidence on record which could invite the culpability of the petitioner and, thus, prays for grant of regular bail.

Per contra, learned State counsel contends that the trial in the case is at fag end. Out of total 21 cited prosecution witnesses, 19 have already been examined. However, he does not dispute that the case of the petitioner is at par with that of Kamaljot Singh @ Kamal.

The petitioner is behind the bars since 03.09.2017 and there is no other case pending against him. The case is based on circumstantial evidence. So far as the plea with respect to the trial of the case being at fag end, it needs to be observed that even on 25.08.2020 when the co-accused Kamaljot Singh @ Kamal has been granted regular bail by this Court, it was contended that out of total 21 cited prosecution witnesses, 19 have already been examined.

Without commenting on the merits of the case, this Court finds it appropriate to grant the benefit of concession of regular bail to the petitioner.

Thus, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Illaqua Magistrate/Trial Court/Duty Magistrate, concerned.

Needless to say nothing recorded herein shall be construed as an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

09.06.2022
Anjal

Whether speaking/reasoned	Yes
Whether Reportable :	No