

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

CRM-M-27280-2020

Date of Decision:- 23.08.2022

Mukhtiar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr.Siddharth Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.80, dated 29.06.2019, under Sections 302, 109, 34 of the IPC at Police Station Sri Hargobindpur, District Batala.
2. The allegations in nutshell are that there was some dispute regarding land between the deceased and the petitioner Mukhtiar Singh who are both real brothers. It is alleged that the petitioner had run over his tractor upon the deceased leading to his death.
3. Learned counsel for the petitioner submitted that a false FIR has been lodged against the petitioner and a perusal of the MLR would indicate that none of the injuries can be said to be a crush injury and that all the five injuries are in the nature of abrasion/laceration. It has further been submitted that the cause of death has been opined to be cardiac arrest

which cannot be attributed to the alleged running over of a tractor upon the deceased.

4. Opposing the petition, the learned State counsel has submitted that a cardiac arrest can be triggered on account of several reasons including extreme shock and since the deceased had died within 2 days of receipt of the injuries, it is quite evident that the cardiac arrest had been triggered by the injuries sustained by him which had been caused by the petitioner by running over the tractor upon the deceased. Learned State counsel has informed that the petitioner has been behind bars since the last about 3 years and 1 month and that as on date 10 out of cited 28 PWs have been examined.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is specifically named in the FIR and there are specific allegations levelled herein. The question as to whether the cause of death, which is stated to be cardiac arrest can be attributed to the injuries allegedly caused by the petitioner would be debatable. In any case, the petitioner has been behind bars for a substantial period of more than 3 years and conclusion of trial is likely to consume time inasmuch as only 10 out of cited 28 PWs have been examined till date. The petitioner is otherwise not stated to be involved in any other case. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on him furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

23.08..2022
dharamvir

(Gurvinder Singh Gill)
Judge

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