

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

CRM-M-32935-2021
Date of Decision:-**29.10.2022**

GURPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. B.S. Aulkah, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.60 dated 30.7.2019 registered under Sections 302, 458, 34 IPC at Police Station Lakhwali District Sri Muktsar Sahib.

FIR in this case was registered by complainant Karamjeet Kaur in which she alleged that on 29.7.2019 altercation took place between petitioner Gurpreet Singh and her husband Harpreet Singh and thereafter both of them went away from there and on the same day at about 9 p.m. complainant, her husband Harpreet Singh, daughter Kajal and uncle Munsha Singh were present in the house and in the mean time, Gora Singh and Kala Singh also reached there then petitioner Gurpreet Singh who was holding

wooden log in his hand suddenly entered the house of the complainant and gave blow of wooden log which hit on the right side of the chest of Harpreet Singh, while Gora Singh and Kala Singh caught Harpreet Singh from his arms and then Gurpreet Singh gave another blow of wooden log which hit on the left side of the chest of Harpreet Singh and then Gurpreet Singh gave blow of wooden log which hit on the back of Harpreet Singh. Thereafter the assailants fled away from there and Harpreet Singh was taken to Civil Hospital, Sri Muktsar Sahib but he later on died in the said Hospital.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case at the instance of the complainant and that no such incident as has been alleged by the complainant had ever taken place. The counsel for the petitioner while referring to the copy of post-mortem report of the deceased and the final opinion given by the doctor regarding cause of death of Harpreet Singh, has submitted that no external mark of injury was found on the body of the deceased and the doctor opined that Harpreet Singh died due to natural heart disease. The counsel for the petitioner has further contended that otherwise also only 6 PWs have been examined and the petitioner is incarcerated for last more than 3 years and is having no criminal history. So prayer is made that petitioner be released on regular bail.

Status report by way of affidavit of Balkar Singh, DSP, Sub-Division Malout District Sri Muktsar Sahib filed on behalf of the State is taken on record along with Annexures R-1 to R-7.

The present petition is opposed by the State counsel, who submits that the specific injuries have been attributed to the petitioner who

at the time of occurrence was armed with wooden log and assaulted deceased Harpreet Singh. The State counsel further submitted that complainant and other witnesses have been examined and copies of their statements are placed on record and even in their statements complainant Karamjeet Kaur and Munsha Singh have specifically deposed against the present petitioner, who attacked Harpreet Singh with wooden log. However the State counsel has not refuted the fact that as per the opinion given by the doctor the cause of death in this case was complications of orthoro sclutic changes in the coronary vessels of heart, which is a natural disease process sufficient to cause death in ordinary course of nature and the copy of the said opinion is Annexure R-1

I have considered the submissions made by counsel for the parties.

As per the allegations made in the FIR, the petitioner gave wooden log blows on the right, left side of chest and on the back of deceased Harpreet Singh at the time of occurrence. As per the medico legal report, the patient complained of pain over the right side of chest (no external mark of injury was there), he also complained of pain over the left side of chest (no external mark of injury was found) and complained of pain over lower back region but no external mark of injury was found. The same is the description of injuries in the post-mortem report of the deceased. So in this case no external mark of injury was found on the body of the deceased at the time of his medico legal examination and post-mortem examination. As per Annexure R-1 on the police request the concerned doctor gave his opinion dated 11.2.2021, which reads as follows:

“On going through the post-mortem report and histopathology report and chemical examiner report, the cause of death in this case in his opinion is complications of orthostatic changes in the coronary vessels of heart, which is a natural disease process sufficient to cause death in ordinary course of nature.”

Further according to the custody certificate furnished by the State counsel the petitioner is in custody for the last 3 years and 2 months and is having no criminal antecedents. Admittedly the complainant and one another eye-witness are examined during the trial. However still it will take considerable time for the trial to conclude as about 10 prosecution witnesses remain to be examined. There is no apprehension that if released on bail, the petitioner is going to influence the complainant and eye-witnesses.

In view of the above, this Court is of the opinion is that no purpose is going to be served by keeping the petitioner in custody for any longer period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

Any observations made hereinabove are not to be considered as expression of opinion on the merits of the case.

(KARAMJIT SINGH)
JUDGE

29.10.2022
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No