

Date of Decision:05.07.2023

VS.

The FIR in the instant case was got registered by one Amrik Singh son of Sadhu Singh by alleging that on 17.05.2021, his neighbours Joginder Singh Mindi, Sarabjit Singh Saabi, Karamjit Singh Goli and Harmanpreet Singh in connivance with the ladies of their house and other accused gave beatings to his son Ravinder Singh for stealing wheat and he was beaten up in the street outside the house. Due to the said beating, the deceased had suffered injuries. Later on, the matter was compromised with the intervention of the panchayat and respectables. However, after returning home, Ravinder Singh told him that he was having pain and was provided some medicine. Later on, his condition

deteriorated and was shifted to Civil Hospital, Hoshiarpur. Later on, his son Ravinder Singh died due to the injuries caused by the petitioners and their co-accused.

Learned counsel for the petitioners contends that the post-mortem of the dead body was conducted on 20.05.2021 and two injuries were found in the post-mortem report (Annexure P-2). After conducting the post-mortem examination, the doctor opined that the cause of death shall be given after the receipt of the chemical examiner report. Later on, the chemical examiner report (Annexure P-3) was received on 11.05.2022 and no poison was detected in the exhibits sent for analysis. Even, the police had applied to the medical experts with regard to the cause of death and after examining the post-mortem report, the doctor opined that the deceased had suffered two injuries, which were neither grievous nor life threatening. Even as per the doctor, the cause of death could not be declared in the present case. Learned counsel for the petitioners contends that it would be a debatable issue as to whether the offence under Section 304 IPC is made out against the petitioners or not. The petitioners were arrested in the present case on 25.12.2022 and are in custody since then. The investigation of the case is complete and the conclusion of the trial will take quite long time.

On the other hand, learned State counsel has vehemently opposed the grant of concession of regular bail on the ground that the petitioners have been specifically named in the FIR and they alongwith their family members had caused serious injuries to the son of the complainant and he had died due to the said injuries. However, he could not dispute the factual submissions made by learned counsel for the petitioners.

I have heard the learned counsel for the parties and perused the record.

Without commenting on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

05.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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