

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

CRM-M-10691-2023 (O&M)

Date of decision: 09.06.2023

SONU @ MANMOHAN SINGLA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. D.S.Bhinder, Advocate and
Mr. Sukhjinder Sekhon, Advocate for the petitioner.

Ms. Himani Arora. AAG, Punjab.

Mr. Gurbhagat Singh Gill, Advocate for the complainant.

GURBIR SINGH, J. (ORAL)

This petition was moved for anticipatory bail under Section 438 Cr.P.C in case FIR No. 157 dated 03.09.2022 under Sections 307/34 IPC (Section 302 IPC added later on) registered at Police Station Kotwali, District Bathinda.

The case was registered on the statement of Mangal Singh recorded on 03.09.2022. As per the allegations, son of the complainant, Gurpreet Singh fell in bad company some time ago and started taking intoxicants. He got his medicines started from the Civil Hospital Bathinda to get rid of his habit of taking intoxicants. On 01.09.2022, the complainant came to know that his son Gurpreet Singh was admitted in the hospital for some reason. He went there and found that face and head of his son was bandaged due to injuries and his son was unconscious. He was referred to Medical College, Faridkot. The complainant took him there. Doctors of Medical College, Faridkot, in view of the conditions of his son, referred him to PGI Chandigarh. He got admitted his son in

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to his son by Bhagga son of unknown, Binder son of Bhaaga, Jaggu son of Bhagga and Sonu son of Makhan Singh in connivance with each other with the intention to kill since they were suspecting that Gurpreet Singh was stealing their motorcycle.

Gurpreet Singh died on 04.10.2022 due to the injuries caused to him by the petitioner therefore the offence under Section 302 IPC was added in the FIR in question vide DDR No. 41 dated 04.10.2022.

Learned counsel for the petitioner submits that there is a delay of two days in lodging the FIR, the complainant was not the eye witness as per version of the complainant. The complainant came to know about the incident and named the petitioner and others. He is not eye witness. They were falsely implicated due to neighborhood rivalry of the father of the deceased. It was a blind incident. None had seen any person causing injuries to the son of the complainant. There is no specific attribution of any of the injuries with any weapon to the petitioner and his co-accused. As per the MLR, there were only two injuries on the person of the son of the complainant. Injury No.1 was abrasion and Injury No. 2 was laceration. He was finally referred to PGI Chandigarh. He was fully cured and again admitted in Civil Hospital, Bathinda, he died on 03.10.2022, after one month of incident. The injuries on the person of son of deceased were not anyway connected with his death. The deceased was habitual of taking intoxicants. The possibility of his death due to drug abuse cannot be ruled out. The co-accused Bhag Chand, @ Bhagga was granted interim concession of pre-arrest bail vide order dated 21.12.2022. No recovery is to be effected from the petitioner.

Status report/reply dated 16.03.2023 by way of an affidavit of

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on behalf of the respondent-State was filed and the same was taken on record.

Medical record of PGI Chandigarh as well as Civil Hospital Bathinda is also placed on record alongwith copy of the postmortem report.

Learned State counsel has submitted that at the time of discharge from the PGI Chandigarh, the deceased-Gurpreet Singh was not fully recovered and he was sent to Civil Hospital, Bathinda with a direction for nursing care. As per the postmortem report and opinion of the doctor concerned, the cause of death was Septicaemia leading to multi organ failure which was sufficient to cause death in ordinary course of nature. The co-accused were granted interim bail since the opinion of the Doctor was not there regarding cause of death and prayer for dismissal of the petition has been made.

Heard.

The injured was immediately admitted to the Civil Hospital Bathinda after receipt of injuries. It was a case of head injury. He was referred to Guru Gobind Singh Medical College, Fardikot and the report suggests that CT scan showed intracranial bleeding. In view of the condition of the patient, he was referred to PGI Chandigarh where he remained admitted and was treated there. He was discharged from PGI Chandigarh and was advised nursing care. He was taken to Civil Hospital Bathinda and was got admitted there. There is no record on the file that patient/injured was fully recovered. He died on 04.10.2022 and the postmortem was conducted and as per the opinion of the doctor, he died due to septicaemia. Since Gurpreet Singh had internal injury and he did not recover from the injuries so, it cannot be said that septicemia was not the direct result of injuries suffered by him. In this case, thorough investigation is required so custodial interrogation of the petitioner is necessary to bring the

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Sharma, Mahinder Pal @ Binder were granted interim anticipatory bail keeping in view that injuries suffered by the son of complainant were not anyway connected with his death since at that time, the record was not brought in the notice of the Court. *Prima facie*, the cause of death of Gurpreet Singh is co-related with the injuries suffered by him so the custodial interrogation of the petitioner is necessary.

Accordingly, the present petition stands dismissed.

(GURBIR SINGH)
JUDGE

09.06.2023
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No