

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 222

Criminal Miscellaneous No.M-19021 of 2023

Date of Decision: April 24, 2023

Kunan Singh @ Punan Singh

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Mr. Jasinder Singh Thind, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

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Tribhuvan Dahiya, J (Oral)

This petition is for grant of regular bail to the petitioner in case FIR No.235 dated 14.10.2022, under Sections 354, 323, 34, 302, 313 IPC (Sections 302, 313 IPC added later on vide DDR No.22 dated 22.10.2022), registered at Police Station Ajnala, District Amritsar.

2. Briefly, the FIR was lodged on the allegations that the complainant and her sister, while going home after watching a fair on 22.09.2022 around 7:00 P.M., were molested by the co-accused Mukha Singh, Sukha Singh, Major Singh and Puran Singh. Later, on 22.10.2022 statement of complainant's husband was recorded to the effect that his wife accidentally had developed pain in her stomach on 21.10.2022. She was taken to a clinic for treatment around midnight. A still born child was born. Due to serious condition, she was thereafter taken to hospital at Amritsar, and died there the following day on 22.10.2022 around 3:00 P.M. It was further alleged that the complainant and her child died due to serious injuries caused by the four co-accused and the petitioner had raised a *lalkara* at that time.

3. Learned counsel for the petitioner contends that there is no allegation against the petitioner in the entire FIR. It is only in the statement of the deceased/complainant's husband, recorded subsequently, that he has been

named alleging that he gave a *lalkara* at the time of incident. It is further contended that the complainant died on account of cardiac arrest as is apparent from opinion of the doctor (Annexure P-4) giving the cause of death. The report further states that the patient was admitted to hospital and shifted to ICU where she suddenly suffered cardiac arrest and was taken on ventilator also, but could not survive and was declared dead at 2:55 P.M. It is further contended that the petitioner is sarpanch of the village and has been named in the FIR for oblique motives to settle scores.

4. Learned State counsel, on instructions from ASI Kewal Singh, opposes the grant of bail to the petitioner on the ground that investigation of the case is going on and there are specific allegation against the petitioner. The petitioner is in custody since 03.03.2023 and has no other case against him.

5. Learned counsel for the parties has been heard.

6. Submissions made by learned counsel for the parties have been considered. The only attribution to the petitioner is that of raising a *lalkara*, that too has been levelled after a week of lodging the FIR. It is also on record the complainant herself did not allege anything against the petitioner, nor named him. The cause of death, as per the medical opinion, is not the injuries allegedly inflicted to the complainant. The petitioner is in custody since 03.03.2023 and has no criminal antecedents. It is, therefore, deemed appropriate to enlarge him on bail.

7. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

April 24, 2023
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