

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

(106+201)

CRM-M-24741-2021 (O&M)

Date of decision:- 29.03.2023

Daljit Singh @ Laddi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amitabh Tewari, Advocate and
Mr. Satnik Bansal, Advocate
for the applicant-petitioner.

Mr. Rohit Bansal, Senior DAG, Punjab for State-respondent.

Mr. Hemraj Bhardwaj, Advocate for the complainant.

SUVIR SEHGAL, J. (ORAL)

CRM-14664-2023

Application is allowed as prayed for.

Cross-examination of the complainant is taken on record as
Annexure A-1.

Main case

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in case FIR No.330 dated 22.09.2020, registered for offences under Sections 304 and 34 of the Indian Penal Code, 1860, at Police Station Patran, District Patiala, Annexure P-1.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Harmeet Kaur on the allegation that the land of her husband, Narinder Singh, adjoins the land of Navjot Singh, who had given it on lease to Daljit Singh @ Laddi, present petitioner. There was a dispute over the land and in the afternoon on 22.09.2020, there was an altercation between the parties. Navjot Singh caught hold of her husband by his hair and Daljit Singh @ Laddi held him by his arms, then attacked him. When he fell down, both the accused kicked him on his testicles. She raised an alarm and both of them fled from the spot. Her husband was rushed to the hospital, where he was declared as brought dead.

Counsel for the petitioner has argued that the initial medical report does not point to death of Narinder Singh due to injury on the private part. By referring to Postmortem report, Annexure P-2, counsel for the petitioner contends that it was inconclusive and the doctor opined that the death is due to a heart attack. He submits that yet another medical report was obtained on 16.12.2020, wherein the doctor gave an opinion that the possibility of a heart attack triggered by testicular injury cannot be ruled out. By referring to order dated 05.01.2022, counsel for the petitioner contends that co-accused, Navjot Singh, who is facing similar accusation, has been released on anticipatory bail by this Court. He submits that the most crucial prosecution witness, i.e., the complainant, who is the alleged eye-witness, has been examined and petitioner, who is in custody since 28.09.2020 and has a clean past, deserves to be enlarged on bail. Counsel submits that the first bail petition, preferred by the petitioner, was withdrawn in March, 2021 as the prosecution evidence had not started.

Opposing the petition, learned State counsel, who is assisted by counsel for the complainant, submits that the complainant has supported her version in her testimony. Reference has also been made by him to the medical documents gathered during the course of investigation. As per his instructions received from ASI, Jaswinder Singh, one out of twenty one prosecution witnesses have been examined.

Having considered the submissions made by counsel for the parties, this Court is prima facie of the view that the complicity of the petitioner in the homicide would remain a subject matter of adjudication before the Trial Court. The length of custody of the petitioner, which by now is of more than thirty months, the stage of trial and the fact that the complainant, who is none other than the wife of the deceased and it is most crucial prosecution witness, has been examined, this Court is inclined to accept the prayer made in the petition.

Without adverting to the merits or demerits of the arguments addressed, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

29.03.2023

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No