

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

CRM-M-23808-2023

Date of Decision:-16.05.2023

Jarnail Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ranjodh Singh Sidhu, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.111 dated 08.10.2022 under Sections 304-A (Section 304 Added later on) IPC registered at Police Station Bhikhiwind, District Tarn Taran.

2. The brief facts of the case are that the statement of Gurmej Singh was recorded to the effect that he was an agriculturist. On 25.09.2022 he had taken his wife Paramjit Kaur to the clinic of Jarnail Singh (petitioner), who along with his wife Raman Kaur had opened the clinic. Raman Kaur stated that she would give an injection to Paramjit Kaur. On this Dr. Jarnail Singh filled up one injection in the syringe whose label showed that it was old. On his (complainant's) objection, Raman Kaur stated that she along with her husband were doctors and would not give a wrong injection. Thereafter, Raman Kaur caught hold of the arm of the Paramjit Kaur wife of the complainant and Jarnail Singh administered the

injection. Because of the same, his (complainant's) wife felt uneasy. Froth started coming out of the mouth of his wife Paramjit Kaur. Thereafter, petitioner and his wife Raman Kaur ran away from the spot and he (complainant) got his wife admitted at Dhawan Hospital where she died.

3. The counsel for the petitioner contends that he has been falsely implicated in the present case. No post mortem of the wife of the complainant was ever conducted and therefore, the exact cause of death could not be known. The deceased had passed away on 27.09.2022 but the FIR was registered on 08.10.2022 after an unexplained delay of 11 days. Therefore, the false implication of the petitioner could not be ruled out. As the petitioner was in custody since 19.02.2023 and none of the 11 prosecution witnesses had been examined, the Trial of the present case was not likely to be concluded any time soon and, therefore, the petitioner was entitled to the concession of bail.

4. The learned Counsel for the State on the other hand contends that initially the FIR had been registered under Section 304-A IPC but Section 304 IPC was added later on account of the allegations levelled against the petitioner and his wife. The nature of the accusations against the accused did not entitle him to the grant of bail. He however, concedes that the petitioner is in custody since 19.02.2023, none of the 11 prosecutions witnesses had been examined so far and he was a first time offender.

5. I have heard learned Counsel for the parties at length.

6. The veracity of the prosecution case against the accused shall be adjudicated upon during the course of trial. The petitioner is a first time offender, stated to be in custody since 19.02.2023 and none of the 11 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded any time soon. As such his

further incarceration is not required moreso when co-accused Raman Kaur has been granted the concession of pre-arrest bail.

7. Thus, without commenting on the merits of the case, the petition is allowed and petitioner-**Jarnail Singh** son of Sh. Charan Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. In addition, the petitioner (or any one on their behalf) shall prepare a FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

9. The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 16, 2023
Vinay

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