

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-28617-2021 (O&M)

Date of decision : 28.2.2023

Gurdev Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Amandeep Singh Jawandha, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

Mr. Arhsdeep Singh, Advocate,
for the complainant.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.0088 dated 29.6.2021 registered under Sections 304, 34 IPC at Police Station Sadar Jagraon, District Ludhiana (Rural).

Counsel for the petitioner submits that the petitioner has joined the investigation with the police and even otherwise, as per status report dated 24.1.2022 filed on behalf of the State by way of affidavit of Daljit Singh Virk, DSP, Jagraon, District Ludhiana (Rural), Board of Doctors has declared the cause of death because of the deceased condition of the heart which was ante mortem in nature and is the likely cause of death in this case.

However, counsel appearing on behalf of the complainant has

resisted the present petition who submits that the prior to his death, deceased Mukhtiar Singh was beaten twice by the accused persons which resulted in his death.

State counsel on instructions from ASI Randhir Singh has not disputed the fact that the petitioner has joined the investigation with the police and is not required by the police for further investigation or custodial interrogation and after completion of investigation, the police has presented the challan against the petitioners.

Counsel appearing on behalf of the petitioner while bringing to the notice of this Court copy of post mortem report of deceased (Annexure P-2), submits that the accused had never beaten the deceased as is clear from the aforesaid post mortem report, as per which, no external mark of injury was seen on the dead body of the deceased. He while referring to reply dated 24.1.2022 filed by the State, further submits that no poison was detected in the viscera of the deceased.

In view of the above, as the petitioner is not required by the police for any further investigation and the police has already presented the challan on conclusion of investigation, no purpose is going to be served by subjecting the petitioner to custodial interrogation at this point of time.

Consequently, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 20.9.2021 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

February 28, 2023

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