

222

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

CRM-M-27283-2023

Date of Decision: 20.07.2023

Baggar Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kanwaljeet Singh Brar, Advocate,
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in complaint CIS No. COMI/107/2015 dated 17.11.2015, under Sections 364, 465, 302, 326, 325, 324, 323, 120-B, 506, 511 & 34 IPC, registered at Police Station Jattu, District Faridkot.

2. It has been submitted by learned counsel for the petitioner that the petitioner is a person of the age of 70 years and it is a case where an FIR was registered with regard to the death of one person, namely, Amritpal Singh, who is the son of the complainant and proceedings under Section 174 of the Cr.P.C. had commenced but thereafter, on a criminal complaint filed by the complainant before the learned Magistrate that the petitioner was summoned. He further submitted that the petitioner has already faced incarceration for about 4 months and is also not medically fit. He also submitted that it is yet to be ascertained at the time of trial as to whether it

was a case of murder or it was a case of accident since it has already come on record that the deceased was drunk at the time of death and he died four days after the alleged incident. He further submitted that the petitioner is not involved in any other case and has clean antecedents, therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Rajiv Verma, learned DAG, Punjab has stated that from the facts and circumstances and the statements of the complainant, it is clear that the deceased had died due to beatings given to him on the head and so far as the present petitioner is concerned, he accompanied him at the time of death. Therefore, the petitioner does not deserve the concession of regular bail. He further submitted that he has sought instructions to state that the petitioner is not involved in any other case.

4. I have heard the learned counsel for the parties.

5. The petitioner is stated to be a person of 70 years and as per the learned counsel for the petitioner, he is suffering from various medical ailments and he is not medically fit. After the death of the deceased, inquest proceedings under Section 174 of the Cr.P.C. had commenced since the police had found that it was not a case of criminal offence but it was a case of an accident because the deceased was drunk at the time of death but it was thereafter on the basis of criminal complaint made by the complainant before the learned Magistrate that the petitioner was summoned. The petitioner is not involved in any other case and has clean antecedents. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on regular bail then he may

CRM-M-27283-2023

abscond or flee from justice or may influence the witness or may tamper with the evidence.

6. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

20.07.2023 (JASGURPREET SINGH PURI)
Bhumika JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |