

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-58718-2022 (O & M)

Date of decision: 22.02.2023

Sanjay Arora

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Chandan Singh Rana, Advocate, for the petitioner.

Ms. Navreet Kaur Barnala, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in FIR No.73 dated 06.05.2022 under Sections 304 IPC registered at Police Station Division No.3, Ludhiana.

2. The brief facts of the case are that one Divya wife of Sanjay Arora filed a complaint to the effect that she was married on 21.07.2016. Her husband Sanjay Arora (petitioner) was alcoholic. Soon after her marriage, her in-laws started harassing her for petty issues. On 05.05.2022 at about 8.00 p.m., her husband came back after work and asked her (complainant) to bring an Acura from her father. A fight ensued between them. She, thereafter, called her father-Darshan Lal on phone. After about half an hour, at about 10.00 p.m., her father Darshan Lal entered their house and her husband-Sanjay Arora (petitioner) started arguing with her father

came to the spot and tried to stop the fight. However, due to the influence of alcohol Sanjay Arora pushed her father-Darshan Lal. He fell down and his head struck the floor and he became unconscious. Thereafter, he was taken to Civil Hospital, Ludhiana where the doctors declared him dead. Legal action was sought.

Based on the aforementioned allegations, the present FIR came to be registered.

3. The learned counsel for the petitioner contends that in fact the wife of the complainant was having illicit relations with many persons and she had been caught red-handed on a number of occasions. However, her conduct did not change. This led to the disputes between the couple. As per the inquest conducted at the time of the occurrence, no injury whatsoever was found on the person of the deceased. Taking the allegations to be correct, it would be a case of commission of an offence under Section 323 IPC at best. Since the petitioner was in custody since 06.05.2022, none of the 11 prosecution witnesses had been examined so far and he was a first-time offender, he was entitled to the grant of bail.

4. The learned counsel for the State has placed on record the reply filed by way of an affidavit of Ramandeep Singh Bhullar, PPS, Assistant Commissioner of Police (Central), Ludhiana dated 22.02.2023. He while referring to the aforesaid reply contends that the actions of the petitioner lead to the death of the deceased-Darshan Lal. The serious nature of the allegations did not entitle him to the grant of bail. He, however, admits that there are no injuries on the person of the deceased as also the fact that the cause of death is still awaited.

6. The veracity of the allegations levelled against the petitioner shall be established during the course of the Trial. Taking the prosecution case to be true, the petitioner is stated to have pushed the deceased thereby causing him to fall leading to his death. He is stated to be in custody since 06.05.2022, none of the 11 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Even otherwise, the petitioner is a first-time offender. As such, the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Sanjay Arora is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

February 22, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No