

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58701-2022 (O&M)

Date of Decision:10.08.2023

Kashmir Singh alias Seera

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Jaspreet Singh Brar, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.111 dated 18.07.2022 registered under Sections 302, 506, 34 of IPC at Police Station Sadar Faridkot, District Faridkot.

The FIR in the present case was got registered by Lakhveer Singh @ Lakha son of Jarnail Singh. As per him, he had two more brothers, namely, Balvir Singh and Rajvir Singh @ Raju. All the three brothers were staying in separate houses in village Golewala and his cousins Kashmir Singh @ Seera-petitioner, Karam Singh and Buta Singh sons of Sajjan Singh had also constructed their separate houses in the neighbourhood. There was a dispute pending between both the families. At about 7.30 am on 18.07.2022, he came out of his house and saw that his father Jarnail Singh was coming on foot from the house of his brother Rajvir Singh. In the meantime, Karam Singh armed with a *dang*, Kashmir Singh @ Seera (petitioner) armed with a *dang* came

there. On reaching there, Karam Singh exhorted to catch hold of him and to eliminate him. Karam Singh gave a *dang* blow on his back and on this, his father came there and Karam Singh also gave a *dang* blow on the neck of his father Jarnail Singh. Due to this, his father fell down on the ground. In the meantime, Balvir Singh, his brother came forward to rescue him and Kashmir Singh @ Seera gave a blow *dang* on the back of Balvir Singh. When he raised a noise, both the accused Karam Singh and Kashmir Singh @ Seera fled away from the spot. Due to the injuries suffered in the said incident, his father Jarnail Singh expired.

Learned counsel for the petitioner contends that he has been falsely involved in the present case due to old enmity between the parties. Even as per the role attributed to the petitioner in the FIR (Annexure P-1), the petitioner had caused an injury with a *dang* on the back of Balvir Singh, injured and he did not cause any injury to the deceased Jarnail Singh. Learned further contends that the post-mortem (Annexure P-2) on the dead body of Jarnail Singh was conducted on 18.07.2022 and no injuries were found on the person of the deceased. Learned counsel further contends that after the post-mortem examination, the cause of death was kept pending till the receipt of Chemical and Histopathological Examination Report and after receipt of the said report, the final cause of death was declared as “due to moderate coronary artery disease and its complications which are sufficient to cause death in ordinary course of nature”. Consequently, the petitioner and his co-accused have been falsely involved in the present case. He further contends that the petitioner was arrested in the present case on 22.07.2022 and charges have been ordered to be

framed against him on 06.07.2023. As per him, the prosecution has not examined even a single witness and the conclusion of the trial may take quite a long time.

On the other hand, learned State counsel has opposed the prayer made by learned counsel for the petitioner on the ground that serious allegations have been levelled against him.

I have heard the learned counsel for the parties and perused the record.

It is not in dispute that the petitioner was arrested in the present case on 22.07.2022 and the detention at the stage of at pre-trial stage, cannot be punitive or preventive in nature. Since no witness has been examined so far, the conclusion of the trial may take a considerable time. Apart from that, it is apparent from the medical record that the deceased had died due to moderate coronary artery disease and its complications and no injury to the deceased has been attributed to the present petition.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

10.08.2023
hemlata

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