

CRM-M-19580-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(283)

CRM-M-19580-2024
Date of Decision:- 29.04.2024

Baljinder Singh
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. Tanvir S.Grewal, Advocate for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab
assisted by ASI Omkar Singh.

Mr. Gopal Singh Nahel, Advocate for the complainant.

ALOK JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case FIR No.25 dated 23.02.2024, under Section 304 of IPC, registered at Police Station Bhawanigarh, District Sangrur, Punjab.

2. In compliance of the order dated 26.04.2024, counsel for the complainant has submitted and relied upon the Chapter 17 of ‘*A text book of Medical Jurisprudence and Toxicology*’ by Jaising Prabudas Modi to submit that sudden or unexpected death can occur from both unnatural causes such as violence or poison. Unnatural deaths must always be investigated by the Police, but very often natural deaths from the basis of medico-legal investigations, if any have occurred suddenly in apparently healthy persons and under suspicious circumstances. In such cases, a medical practitioner

should not certify to the cause of death without holding a post-mortem examination, even if there is strong evidence of disease. Learned counsel for the complainant submits that the perusal of the FIR demonstrates that the deceased was intimidated by the petitioner and three other persons whose faces were covered and when his father ran away to save his life, he had a heart attack which was the cause of his demise.

3. However, counsel for the petitioner submits that the entire allegations in the FIR are self-contradictory as on one hand the complainant submits that the deceased was living with him and on the other hand it is stated that the deceased had pitched a tent on temporary basis near the disputed land and does not deny the fact that there is a long drawn litigation between the petitioner and the complainant family with regard to 2.5 acres of land.

4. Considering the fact that nothing is to be recovered from the petitioner; has clean antecedents and it not coming forth as to for what reason the petitioner would have intimidated the deceased, hence, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.

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- iv. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.
5. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.
6. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.
7. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.
8. However, it is made clear that this order shall not be construed as parity *qua* any other co-accused.

April 29, 2024
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(ALOK JAIN)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No