

CRM-M-25674-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25674-2024
Reserved on: 10.09.2024
Pronounced on: 27.09.2024

Bhola Singh alias Bhag ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gurbir Singh, Advocate for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0093	21.07.2023	Tapa Mandi, District Barnala	302, 452, 323, 506, 34 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. As per paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the instant case was registered on the statement of Surjit Kaur wife of Gate Singh on the allegations that on 16.06.2023, she along with her husband Gate Singh, grand-son Dharminder Singh and daughter in law Paramjit Kaur were present in the house. It was at about 03:45 PM, Amrit Singh and Bhola Singh (Present Petitioner) who were armed with sticks came in front of their house and started abusing his grand-son Dharminder Singh by saying that he is obstructing them for doing their work and they would teach him a lesson. That she along-with her husband and daughter in law tried to stop them from doing so. Upon this, the said persons attacked them with their sticks. That Amrit Singh gave stick blow in the head of her husband and Bhola Singh also inflicted stick blow upon her husband, which hit on right jaw of her husband and also caused other injuries on the body. When she came forward to rescue her husband, Amrit Singh inflicted stick blow on her head and Bhola Singh inflicted stick blows on Apher body. On account of injuries, she and her husband fell on the ground and raised the alarm. Her daughter in law and grand-son Dharminder Singh also raised the alarm, upon which both the accused persons ran away from the spot alongwith their respective weapons. While

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leaving the spot, the accused persons also threw brick bats towards them and one of brick hit on his grandson. That her daughter in law and grandson got them admitted at Civil Hospital, Tapa and from where, her husband was referred to higher institute. That her treatment was undergone at Civil Hospital, Tapa and she was discharged from the hospital after 5/6 days, whereas her husband was got admitted at Civil Hospital, Faridkot by her relatives and he remained admitted for 22 days over there and then discharged from the hospital. During treatment at Civil Hospital Faridkot the statement of her husband was also got recorded by the police. That on account of the injuries sustained by her husband on head, his condition become deteriorated after some days and they got him admitted at Civil Hospital, Tapa, however on 20.07.2023 her husband was discharged forcibly from the hospital but as his condition was not good, at about 8 PM, they again brought him to hospital and he had died on account of the injuries sustained by him. That the death of her husband took place on account of the injuries caused in the head by accused persons. On this statement, present FIR was registered.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes the bail and refers to the reply dated 29.05.2024 and refers to Para 11 of the reply, which reads as follows:-

“Role of petitioner: *On 16.06.2023 at about 3.45 PM petitioner armed with dang alongwith his co-accused Amrit Singh who was also armed with dang started abusing while standing in front of the house of complainant. The petitioner Bola Singh also gave blow of his dang which hit on the right jaw of Gate Singh. Gate Singh received other injuries on his person. Petitioner Bhola Singh also caused injuries with his dang to the complainant.”*

6. It would be appropriate to refer to the following portions of the reply dated 02.09.2024, which read as follows:

“3. That initially deceased Gate Singh was admitted at SDH Tapa on 16.06.2023 at 4.50 PM vide admission number 2181/1173e (ANNEXURE-R-1) as per the admission record, "patient was admitted with altered sensorium. Patient was bleeding from nose and mouth, patient/deceased was having big lacerated wound on top of head and a lot of bleeding took place patient has 2cm lacerated wound on above right eye brow. Further as per admission record on the same day at about 5 PM it was noted by doctor in charge that as patient is having major head injury and patient is continuously bleeding from nose and mouth, patient condition is deteriorating and patient is doing vomiting of blood and patient lost so much Blood as such patient was referred on immediate basis to higher centre for further management". That further Civil Hospital Barnala referred patient for neurosurgical management to Guru Gobind Singh

Medical College and Hospital, Faridkot. That as per the MLR bearing number MLR/ANJ/FDK/211/2023 dated 20.06.2023 (ANNEXURE-R-2) the deceased Gate Singh suffered six blunt injuries out of which injury no.2, 4 and 6 were kept for opinion from concerned doctors. That as per MLR bearing number AS/42/JUN/TPA/23 dated 19.06.2023 (ANNEXURE-R-3) of complainant Surjit Kaur there was one blunt injury which was declared simple in nature after receiving CT head report.

4. That opinion for cause of death in Post mortem report bearing number PMR/SPL/01/LM/SD//KDS/2023/CH, BNL dated 21.07.2023 of the deceased was, "The cause of death to be given after the report of chemical examination from Kharar lab and Histopathology report from Rajindra Hospital (Annexure R-4)."

7. Given the medical report, no prima facie evidence connects the petitioner with the alleged death and its cause. Given the pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability of further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. Any observation made hereinabove is neither an expression of opinion on the

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case's merits nor shall the trial Court advert to these comments.

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.09.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.