

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-34097-2024  
Reserved on: 13.09.2024  
Pronounced on: 18.09.2024

Sukhchain Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Verma, Advocate (Through VC)  
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

\*\*\*\*

ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                    | Sections |
|---------|------------|-----------------------------------|----------|
| 141     | 01.11.2023 | Sadar Jalalabad, District Fazilka | 302 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 reply dated 04.09.2024 filed by the State, the accused has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

*“3. ... the present FIR was got registered on the statement of complainant Kashmir Kaur with the allegations that on 31.10.2023 in the evening, her husband Joginder Singh came home after doing labour work. Then accused/petitioner Sukhchain Singh (nephew of deceased Joginder Singh) arrived at their residence in an intoxicated state in the presence of Ram Singh, whose parentage is unknown, and Veer Singh, whose parentage is also unknown. At approximately 7:30 PM, the accused demanded alcohol from complainant's Singh's refusal, the husband. Upon Joginder the accused seized Joginder Singh by the neck and subsequently strangled him. The complainant and others. tried to get Joginder Singh released from the clutches of the accused, then the accused ran away. However, the condition of Joginder Singh subsequently deteriorated to a critical state. He was brought to Civil Hospital, Jalalabad where he was declared dead.*

*As per said statement, FIR No.141 dated 01.11.2023 under section 302 IPC was registered against petitioner Sukhchain Singh at police station, Sadar, Jalalabad.*

*b) That postmortem of the deceased Joginder Singh was conducted by board of doctors at Civil Hospital, Fazilka. In the Postmortem Report, the doctors opined that the cause of death will be reported after receipt of Histopathology report.*

*That Viscera sample of deceased was sent to G.G.S. Medical, Faridkot on 07.11.2023 for Histopathology report.*

*d) That on 14.11.2023, the petitioner surrendered himself before Ld. Court of JMIC Jalalabad and with the permission of said Ld. Court, the accused was arrested in the present FIR.*

*4. That it is respectfully submitted that challan against the petitioner was presented on 22.12.2023. Now, the trial of the present FIR is in motion. Charges were framed against the accused on 08.12.2023. Out of total 19 prosecution witnesses, 05 witnesses have been examined so far. Now the said case is pending for 28.08.2024 before the ld. Trial Court."*

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 bail and refers to the reply.

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

***"ROLE OF PETITIONER:***

*6. That the involvement of the petitioner in the commission of the offence has been established during the investigation. The petitioner arrived at the complainant's residence in an intoxicated neck of state and proceeded Joginder Singh, the husband, ultimately resulting to grab the complainant's in Joginder Singh's death by strangulation. Consequently, the petitioner cannot evade criminal liability for this act.*

***EVIDENCE AGAINST PETITIONER:***

*7. That the oral evidence of the complainant, eye witnesses, doctors and other witnesses, above noted medical evidence i.e. MLR etc. is sufficient to prove the guilt of petitioner. Such incriminating evidence is sufficient to substantiate the case of prosecution."*

7. The report dated 1<sup>st</sup> February 2024, given by the Assistant Professor, Department

of Pathology, G.G.S. Medical College, Faridkot, reads as follows:

*“Subject: Histopathology report of Path No.345/23 in case of viscera of deceased Mr. Joginder Singh S/o Hakam Singh, 61 yr/Male R/O Fatuwala, Fazilka vide PMR No.MS/KK/MG43/2023/FZK/PMR dated 01.11.2023*  
*The viscera of the above mentioned deceased has been processed and studied microscopically. The findings are given below:-*  
*Heart-Gross weight 340 gm and measuring 12x9x5cm*  
*RVW thickness-1.0-1.3 cm*  
*M/E: Myocardium: Multiple sections examined from myocardium are unremarkable.*  
*Coronaries (Right and Left): Shows features of Atherosclerosis.”*

7A Thereafter, Board of Doctors has given the following report:-

*“Histopathology report of deceased Joginder Singh s/o Hakam Singh 61yr/M R/o Fattuwal vide PMR No.MS/KK/mg/43/2023/FZK dated 1/11/23 was received from GGS Medical College Faridkot. After reviewing Postmortem Report and Histopathology report by Board Members cause of death is Cardiac Disease/Sudden Cardiac Arrest.”*

8. Given the post-mortem report, there is nothing specific to connect the petitioner’s assault as a cause of death and a primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

9. 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.

10. 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.

11. 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)                                                                                                             |  |

12. This order is subject to the petitioner’s complying with the following terms.

13. 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.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. 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.

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

(ANOOP CHITKARA)  
JUDGE

18.09.2024  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.