



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-40145-2024
Date of decision : 11.09.2024

Jatinder Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ankush Dhanerwal, Advocate
for the petitioner.

Mr. Solomon Partap Singh, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.49 dated 15.03.2022, registered for the offences punishable under Sections 302, 307, 420, 468, 471, 120-B, 201, 34 IPC and Sections 25 and 27 Arms Act at Police Station City Patti, District Tarn Taran.
2. FIR was registered on the statement of Daljit Singh s/o Gurmej Singh who stated as under:-

"I would like to state the I that I am resident of above noted address and working as Palledar at Railway station Patti. I have two sisters who are married and my wife Veena Rani is working in Thread Mill at Ludhiana. My mother has died about two years ago and my father Gurmej Singh is residing in the house. On 14.03.2022 I along with my father was present in the house then at about 03.00 PM my father has received phone call on his mobile No. 97799-98235 from mobile No. 76968-86116, then my father told me that we will go up to Buana temple. My father was driving motorcycle and I was sitting on the back side. On reaching at Temple my



father has made phone call on that mobile number and thereafter we gone towards Railway crossing and after waiting for some time, we were coming back then two young men who covered their faces with Parna, were coming on motorcycle from front side and they stopped our motorcycle and asked us that which is the house of Gurcharan Singh, then my father told them that we don't know about it, in the meantime, the person sitting on back seat of motorcycle has taken out his pistol and made direct fire of pistol to my father with the aim to kill him, which hit on the left side cheek of my father and they both youngmen ran away from there along with their motorcycle. I immediate arranged the vehicle and got my father admitted in Sandhu Hospital, Patti, where after giving first aid to my father, referred him to Amandeep Hospital, Amritsar where my father is under treatment. I can identify the said both youngmen on appearing before me. They had caused injury to my father by making fire on my father with the aim to kill him, strict legal action be taken against them.”

3. It is the case of the prosecution that during investigation, present petitioner was apprehended. He suffered disclosure which led to recovery of fire arm. As per the ballistic report, the bullet recovered from the body of the deceased has matched the fire arm recovered on the disclosure made by the petitioner.

4. Counsel for the petitioner submits that as per the post mortem, cause of death of the deceased could not be ascertained. The opinion expressed in the post mortem report reads as under:-

“The cause of death in the case in my opinion will be given after receiving of chemical examiner and HPE Report.”

5. He submits that report of chemical examiner is still awaited and cause of the death assume significance in view of the fact that after the occurrence, the deceased was discharged on 20.03.2022 and was

later on admitted in hospital with a complaint of chest pain. He died on 04.04.2022. It has thus claimed that in the absence of causal link between death of the deceased and the injury suffered in the occurrence, petitioner cannot be booked for offence punishable under Section 302 of IPC. Petitioner is behind bars for more than 02 year, 05 months and 20 days. As per the custody certificate, he has no other criminal antecedents. Co-accused Veena already stands admitted to bail. The motive attributed to the petitioner was with respect to his alleged illicit relation with Veena Rani, daughter-in-law of the deceased.

6. Keeping in view the incarceration suffered by the petitioner, the fact that the investigation already stands concluded and the nature of evidence against him, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

11.09.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No