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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-41189-2024 (O&M)  
Date of decision :28.08.2024**

Hardev Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Krishan Singh Dadwal, Advocate for the petitioner.

Mr. Brijesh, AAG, Punjab.

Mr. Ankur Jain, Advocate for the complainant.

**MAHABIR SINGH SINDHU, J.**

Present second petition has been filed under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS') for grant of interim bail to the petitioner in FIR No.31 dated 17.05.2022, under Section 302 of the Indian Penal Code, 1860; and Sections 25 & 27 of the Arms Act, 1959, registered at Police Station Talwandi Chaudhrian, District Kapurthala, Punjab.

2. Allegations are that petitioner fired gun shots from his licensed weapon which hit the chest and abdomen of Jasvir Singh, resulting into his death.

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3. Short reply filed by way of affidavit dated 27.08.2024 of Mr. Vipin Kumar, PPS, Deputy Superintendent of Police, Sub Division Sultanpur Lodhi, District Kapurthala, is taken on record.

Registry to do the needful.

4. Contends that health condition of the wife of petitioner is very serious and she is to undergo surgery. Reference has been made to the reports (P-3) prepared by the Patwalia Multi Speciality Hospital, Bholath, Kapurthala.

5. *Per contra*, learned State counsel as well as learned counsel for the complainant vehemently opposed the prayer on the ground that petitioner is the sole accused and he fired a gun-shot resulting into the death of Jasvir Singh.

6. Heard learned counsel for the parties and perused the paper-book.

7. Allegations are that petitioner fired two gun-shots from his licensed rifle (.12 bore DBBL), resulting into death of Jasvir Singh. Apparently, the prosecution version is based on eye-witness account of *de facto* complainant, Ravinder Singh and others; thus, *prima facie*, the allegations against petitioner are very serious in nature.

8. That apart, it is the specific stand taken by the State that petitioner has concealed the travel history of his wife, who resided with her daughter in Australia for a considerable period and returned to India, in the last week of May, 2024. Also specifically submitted by

the respondents that wife of petitioner has been attending the Court

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hearings regularly, along with her brothers and as such, it does not lie in the mouth of petitioner to plead that there is no other relative who can take care of his wife. Furthermore, there is no definite opinion that wife of petitioner is suffering from cancer. For reference, the relevant portion of the Certificate dated 24.08.2024 issued by the concerned hospital i.e. Patwalia Multi Speciality Hospital, Bholath, Kapurthala, reads as under:-

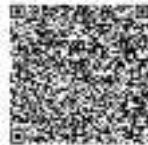
***“Subject:- Regarding Simranjit Kaur W/o Hardev Singh***

*It is for your information and necessary action that.*

- 1. Medical Certificate dated 03-08-2024 has been issued by our hospital.*
- 2. The treatment of Simranjit Kaur is going on in this hospital. She is admitted in this hospital from 01-08-2024 onwards.*
- 3. The patient Simranjit Kaur is at present known case of Gall Bladder Mass? Malignancy with Jaundice with DM with Hypertension. She needs surgery to prevent further spread.*
- 4. Regarding treatment of the patient Simranjit Kaur, she is advised surgery for Gall Bladder Mass? Malignancy Mass after administering Neoadjuvant Chemotherapy. She needs surgery to prevent further advancement of the disease.*
- 5. Photocopy of Bed Head Ticket file is attached alongwith.*
- 6. The certificate has been issued to Simranjit Kaur W/o Hardev Singh to that the patient Simranjit Kaur can make proper arrangements at her family level to undergo the proper surgical treatment.*
- 7. The patient Simranjit Kaur is at present has undergone partial medical treatment till date for her disease.”*

9. Still further, interim prayer is opposed on the premise that Patwalia Multi Speciality Hospital, Bholath, Kapurthala, is specialized in “Ortho and accident care” but not optimized for cancer treatment.

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10. No doubt, it is the sweet-will of a person to get treatment from any hospital of his/her choice. But they did not approach any specialized Centre or Government Hospital regarding the alleged malignancy; which of course, strengthens the stand taken by respondents that admission of petitioner’s wife in Patwalia Multi Speciality Hospital, Bholath, Kapurthala, is pre-planned and for ulterior motive.

11. In view of the above, this Court is not inclined to accept the prayer of petitioner “at this stage” and as such, there is no option except to dismiss the petition.

12. Ordered accordingly.

13. Above observations be not construed as an expression of opinion on merits of case, in any manner.

Pending application(s), if any, shall also stand disposed off.

**28.08.2024**

*atulsethi*

**(MAHABIR SINGH SINDHU)  
JUDGE**

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