



CRM-M-63172 of 2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-63172 of 2023(O&M)

Date of Decision: 07.05.2024

Iqbal Singh LT

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Umesh Aggarwal, Advocate
For the petitioner.

Mr. J.S. Dhaliwal, AAG Punjab.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking grant of anticipatory bail in criminal case having FIR No. 248 dated 02.12.2023, registered under Sections 304 read with Section 34 IPC at Police Station City Gurdaspur.

2. The allegations in nutshell are that on 01.12.2023 complainant Sukhpreet Singh along with his mother Balwinder Kaur and other family members went to attend *shagun* ceremony in Milan Palace. At about 11:00 p.m. when he was going towards the main stage, petitioner Iqbal Singh and co-accused Jasbir Singh and another 5-6 unknown persons, rushed towards the complainant and caught him and started beating him. In the meantime, his mother Balwinder Kaur came forward but the aforesaid persons pushed her and knocked her down, as a result of which she became unconscious and

**CRM-M-63172 of 2023**

then Balwinder Kaur was taken to nearest hospital where she was declared brought dead.

3. The counsel for the petitioner submits that petitioner is falsely implicated in the present case and petitioner and other accused never pushed Balwinder Kaur as has been alleged in the FIR. That actually Balwinder Kaur died due to heart attack as is evident from the final opinion given by the concerned Doctor of Civil Hospital, Gurdaspur. It is further submitted that nothing is to be recovered from the petitioner who has joined investigation with the police.

4. The present petition is resisted by the State counsel who submits that petitioner and other accused firstly attacked son of Balwinder Kaur and then they also gave push to Balwinder Kaur with force as a result of which she fell down and died at the spot. However, the State counsel on instructions from SI Sushil Kumar has not disputed the fact that as per the final opinion given by the concerned doctor, Balwinder Kaur died due to cardiac arrest as a result of 'vasovagal shock' and no external mark of injury was found on her dead body. The State counsel also apprised the Court that the petitioner who has already joined the investigation with the police is not required for any further investigation by the police in the present case.

5. The copy of the final opinion given by the concerned doctor with regard to cause of death of Balwinder Kaur is taken on record, as per which, the concerned doctor opined as follows:-

"After going through postmortem report, HPE report vide No. 65.24 dated 09.01.24, Chemical Examiner report vide No. 691 dated 20.02.24, we the Board of Doctors are of the opinion that

**CRM-M-63172 of 2023**

as there was no injury on the body of the deceased and other unnatural causes of death like drowning, hanging, strangulation, poisoning ruled out. However possibility of death due to cardiac arrest as a result of vasovagal shock cannot be ruled out.”

6. As per the aforesaid opinion given by the doctor, no external injury was found on the dead body of Balwinder Kaur. Even as per allegations appearing in the FIR petitioner and his accomplices gave forcible push as a result of which deceased fell down and lost her consciousness and when taken to hospital she was found dead. In the given circumstances, nothing is to be recovered from the petitioner. Further the question whether the petitioner had requisite knowledge or intention that his afore-stated act was likely to cause death is subject matter of trial. Furthermore the petitioner has already joined investigation and is not required by the police for any further investigation. It being so, no purpose will be served even if the petitioner is subjected to custodial interrogation at this stage.

7. Consequently, without commenting on the merits of the case the present petition is allowed and order of interim bail dated 04.03.2024 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

07.05.2024
Jiten

(KARAMJIT SINGH)
JUDGE

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