

(2011) 03 P&H CK 0247

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-18773 of 2010

Bhupinder Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 23-03-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439

Penal Code, 1860 (IPC) — Section 302, 34

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(2)

Citation : (2011) 03 P&H CK 0247

Hon'ble Judges : Rajan Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajan Gupta, J.—This is a petition filed u/s 439 of the Code of Criminal Procedure seeking regular bail in a case registered against the Petitioner vide FIR No. 203 dated 23.09.2009 under Sections 302, 34 IPC read with Section 3(2)(v) of SC/ST Act at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

2. Learned Counsel for the Petitioner submits that present is not a case u/s 302 IPC as the deceased died due to heart attack. According to him, the witnesses who have been examined are not supporting the case of the prosecution.

3. Learned State Counsel has, however, opposed the prayer for bail. He has referred to post mortem report and submits that deceased died due to injuries received in the occurrence. He submits that eight prosecution witnesses have already been examined and remaining are likely to be examined shortly.

4. I have heard learned Counsel for the parties.

5. A perusal of the post mortem report shows that Petitioner died due to injuries received in the abdomen and peritoneal cavity was filled with blood. The liver was also found to be ruptured and spleen lacerated.

6. In view of nature of injuries caused to the deceased in the occurrence, no case for grant of bail is made out. That apart, it appears that trial may conclude in near future.

7. Thus no ground to enlarge the Petitioner on bail is made out.

8. Dismissed.