

Lucky Vs State of Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: April 18, 2011

Acts Referred: Penal Code, 1860 (IPC) " Section 148, 149, 302, 304, 323

Hon'ble Judges: Alok Singh, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Alok Singh, J.

This is a petition seeking regular bail in case FIR No. 182, dated 29.09.2009, under Sections 302, 450, 323, 148, 149 of the Indian Penal Code, registered at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

2. Learned Counsel for the Petitioner states that deceased has received only simple injuries and role attributed to the Petitioner is that he has given

kick blows on the person of the deceased. Learned Counsel further states that in the present matter, doctor, who has conducted the post mortem,

has already been examined and cause of death is stated to be cardiac arrest.

3. Mr. K.D. Sachdeva, learned Additional Advocate General, Punjab, on the instructions of ASI Satnam Singh, states that it is correct that cause

of death is cardiac arrest, however, he states that deceased suffered cardiac arrest because he was beaten by the accused party, therefore, even if

it is not a case of Section 302 IPC, then also it is a case of Section 304 IPC because accused were in the knowledge that deceased was a heart

patient.

4. Considering the totality of the facts and circumstances of the case, present petition is allowed. Let, Petitioner be released on bail to the

satisfaction of the learned Trial Court.