

In the High Court of Punjab and Haryana at Chandigarh

203

CRM-M-19353-2015

Date of decision: 13.7.2015

GURPREET SINGH AND ORS

.....Petitioners

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Ashok Giri , Advocate,
for the petitioners.

Mr.Arshdeep S.Kler, DAG, Punjab

RAJ MOHAN SINGH, J.

Petitioners seek grant of anticipatory bail in case bearing FIR No. 40 dated 23.4.2013 registered under Section 306 read with 34 IPC (charge amended under Section 302 IPC on 25.5.2015) at Police Station Anandpur Sahib District Rupnagar.

On 5.6.2015, this Court passed the following order:-

“Learned counsel for the petitioners states that FIR was registered under Section 306/34 IPC at the instance of mother of the deceased. Matter was

investigation and challan was filed under Section 306/34 IPC. Thereafter, charges were also framed for the offence under Section 306/34 IPC. Trial commenced. Prosecution has already completed the prosecution evidence. Statements of the accused were recorded under Section 313 Cr.P.C. and, thereafter, accused entered in defence also. After recording statement of one DW, prosecution moved an application for alteration of charge and that has been allowed vide order dated 25.5.2015. Resultantly, bail bonds and surety bonds of the petitioners were cancelled by the assignee Court and non-bailable warrants have been issued for 22.7.2015.

Learned counsel further states that the allegation of administering poison in liquor was the subject matter of FIR. The allegation was investigated by the police and challan was submitted under Section 306/34 IPC.

Notice of motion for 13.7.2015.

Till then arrest of the petitioners is stayed.”

Learned State counsel, on instructions from ASI Balbir Singh, states that at this stage, after concluding the evidence of prosecution and recording of statement of accused under

Section 313 Cr.P.C. and even after recording statement of one of defence witness, Court came to this conclusion that there is need to alter the charge. Apparently, matter was investigated. Challan was filed under Section 306/34 IPC. Charges were also framed under Section 306/34 IPC. Prosecution evidence has already been completed. Statement of the accused has also been recorded. Therefore, custodial interrogation of the petitioners is not required.

Since the petitioners are already facing trial, therefore, order dated 5.6.2015 is made absolute.

Petitioners are directed to appear before the trial Court on the date fixed i.e. 22.7.2015. In the event of their appearance, trial Court is directed to admit them on bail subject to its satisfaction.

Petitions stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

July 13, 2015
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