

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

CRM-M-33081-2015

Date of Decision: November 16, 2015

Jagsir Singh @ Baggi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. *Whether Reporters of local papers may be allowed to see the judgment ?***
- 2. *To be referred to the Reporters or not ?***
- 3. *Whether the judgment should be reported in the Digest?***

Present: Mr.Inderjit Sharma, Advocate
for the petitioner.

Mr.R.S.Randhawa, Addl.A.G.Punjab.

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NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of regular bail to the petitioner, Jagsir Singh @ Baggi,
son of Hardev Singh, resident of village Mithri, Tehsil and District
Sirsa, who has been booked for having committed the offences
punishable under Sections 304-A and 304, IPC, in a case arising
out of FIR No.06, dated 29.01.2015, registered at Police Station,
Nandgarh, District Bathinda.

Learned counsel contends that initially FIR was registered for the offence punishable under Section 304-A, IPC, but about a month thereafter, on the statement of mother of the deceased, the offence under Section 304, IPC, was added. He further contends that even if the whole case of the prosecution is taken at its face value, then also the essential ingredients of Section 304, IPC, are not attracted in the present case. He further contends that after completion of the investigation, the charge-sheet (challan) has been presented and after commitment of the case to the Court of Session, the charge under Section 304, IPC, has been framed. He further contends that the investigation is complete and petitioner is not required by the Investigating Agency.

Learned counsel for the State has very fairly conceded that after completion of the investigation, the charge-sheet (challan) has been presented. He also conceded that initially the FIR was registered for the offence punishable under Section 304-A, IPC, but later Section 304, IPC, was registered. He further fairly concedes that there is no oral evidence of any person regarding the witnessing of the alleged occurrence.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on

record.

Applicability of Section 304, IPC, would be a moot point during trial. Petitioner is behind the bars from 30.01.2015 and after completion of the investigation, the charge-sheet (Challan) has already been presented before the Court below.

In view of the facts and circumstances of the case, the present petition is allowed. The petitioner, Jagsir Singh @ Baggi, son of Hardev Singh, resident of village Mithri, Tehsil and District Sirsa, is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate, Bathinda.

November 16, 2015
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(NARESH KUMAR SANGHI)
JUDGE