

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7893 of 2015

Date of decision: April 27, 2015

Kulvir Singh @ Kala

.... Petitioner..

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Arshdeep Singh Sivia, Advocate,
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

Jaspal Singh, J.

This is a petition under Section 438 of the Code of Criminal Procedure preferred by Kulvir Singh @ Kala, feeling apprehension of his arrest, in case FIR No.65, dated 19.10.2014, under Sections 307 and 506 IPC, registered at Police Station Bariwala, District Sri Muktsar Sahib.

2. Instant case has been registered by Gurnam Singh Sarpanch, unfolding the allegation that he is working as labourer. On October 17, 2014, he along with his son Gurpinder was going on motorcycle to village Lubanian Wali, in connection with their daily work. When they reached on the boundary of village Lubanian Wali and Sakkanwali, his motorcycle got punctured. He and his son were standing by the side of road near the motorcycle and at about 5:00 p.m.

Eicher tractor of silver colour, driven by Kulvir Singh @ Kala-petitioner came towards them at a full speed. While he was standing on the kacha road, Kulvir Singh @ Kala with an intention to commit his murder, tried to run over him (complainant) and when he (Gurnam Singh-complainant) and his son were running to save themselves then Kulvir Singh @ Kala ran over the tractor on complainant. As a result of which, his right leg was crushed and chopped off at the spot. On raising hue and cry by complainant and his son, Kulvir Singh @ Kala accelerated the tractor and fled away.

3. The contention of learned counsel for petitioner is that a false case has been got registered by complainant there being a political rivalry. In fact, it was a simple case of accident and by concocting a false story and twisting the facts, instant case under Section 307 IPC has been got registered. There was no animosity earlier existing in between the parties and the case at the most is of rash driving. In that eventuality, only offences under Section 279/338 of the IPC would attract, which are otherwise bailable. Petitioner is ready to join investigation and shall abide by all the terms and conditions imposed by this Court, in case, he is granted the concession of bail.

4. This Court has given an anxious thought to the submissions made by learned counsel for the parties.

5. It is undisputed that due to involvement of tractor being driven by petitioner, right leg of complainant stood chopped off which was crushed under the tyres of tractor. At this stage, there is nothing on record to suggest that petitioner has been falsely implicated or that he

had no intention to cause any injury to complainant. Similarly, case is based upon direct evidence of injured/complainant and his son, whose presence also cannot be doubted. At this stage, there being serious and grave nature of allegations against petitioner, this Court does not deem it a fit case to exercise the discretion envisaged under Section 438 Cr.P.C.

Accordingly, the present petition is dismissed.

April 27, 2015
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(JASPAL SINGH)
JUDGE