

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

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**CRM-M-21957-2016(O&M)
Date of Decision: July 15, 2016**

HARJINDER SINGHPETITIONER
VERSUS
STATE OF PUNJABRESPONDENT

CORAM:- HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Ms.G.K.Mann, Advocate for the petitioner.

Mr.Anurag Jain, Advocate for complainant.

Mr.Gazi Mohammad, DAG, Punjab.

A.B. CHAUDHARI, J.(Oral)

CRM 20971-2016

Criminal miscellaneous application allowed as prayed for.

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Heard learned counsel for the rival parties and perused the FIR in question, namely, FIR No.42 dated 05.05.2016, registered under Section 304-A IPC wherein Section 302 IPC was added later, at Police Station Ajitwal, District Moga.

According to the petitioner the offence could at the most be one of the accident and not of murder. The learned Trial Judge have recorded the reasons hereunder:-

“As per averments of the bail application, the applicant does not dispute his acquaintance or friendship with deceased Uttam Singh, nor does he deny or dispute his presence in the car on 4.5.2015, which according to him met with an in the night of 4/5.5.2016, resulting into multiple grievous injury on the person of deceased Uttam Singh, but accused/applicant himself claims to have survived in the said accident. Though according to him, he also sustained injuries on his person, it is quite surprising to note that no record relating to any injury claimed to have been suffered by applicant Harjinder Singh has been placed on record and during the course of investigation the role of the applicant has

been found to be suspicious. In view of these facts, this court is of the considered view that it is a case in which custodial interrogation of the applicant in order to unearth the factual position is required and the applicant does not deserve the concession of anticipatory bail. As such, anticipatory bail application of the accused/applicant stands dismissed.”

Learned counsel for the complainant has placed photographs on record and contended that case of the accident is ruled out. He further contended that the complainant did not receive any serious injury. One person died in accident when the occupants were only two, the petitioner and the deceased.

Learned counsel for the petitioner invited my attention to the MLR and stated that in the dawn of 5.5.2016, after the accident the petitioner was admitted to the hospital by the villagers and medical report shows injuries to the petitioner as well.

Having given thoughtful consideration to the entire matter, in my opinion the investigation is required to be made thoroughly. Since the occupants were only two, the deceased and the petitioner, the only way to find out the correct position through the investigation is to have the custody and interrogation of the petitioner.

In that view of the matter I find no merit in the petition and the same is dismissed.

July 15, 2016
TSG

(A.B. CHAUDHARI)
JUDGE