

CRM-M-26318-2016

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

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Date of Decision: 21.11.2016

Sukhchain Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. D.S.Pheruman, Advocate,
for the petitioner.

Ms. Shivali, AAG, Punjab.

Mr. P.L.Singla, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner, Sukhchain Singh has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.104 dated 20.06.2016, registered at Police Station Tarn Taran, District Tarn Taran, under Sections 302 and 34 IPC.

Notice of motion was issued. Learned State counsel put in appearance on behalf of the respondent-State and complainant also appeared through his counsel. They contested this petition.

I have heard learned counsel for the petitioner; learned State counsel as well as learned counsel for the complainant and have gone

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through the record.

From the record, I find that the present petitioner has been named in the FIR. There were only two simple injuries on the person of deceased-Harjit Singh. As per the medical opinion, the cause of death was sudden heart attack and it has not been opined that cause of death was the injuries suffered by the deceased. As per the FIR, the deceased was employed with the present petitioner, who informed the complainant regarding the fact that his father has suffered from an attack and they are taking him to Jain Hospital at Jandiala. After half an hour, the petitioner and his father brought the dead body of deceased-Harjit Singh in their car to the complainant's house and left the dead body there.

In pursuance of the order dated 17.10.2016, the petitioner has already joined the investigation. He is now not required for custodial interrogation and nothing is to be recovered from him. Challan has already been presented and the petitioner has appeared before the trial Court. Nothing is to be recovered from the petitioner.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case and in view of the fact that cause of death, as opined by the doctor, was heart attack and in view of the fact that no useful purpose will be served by sending the petitioner to custody, I find merit in this petition and the same is allowed. The order dated 17.10.2016, granting interim bail to the petitioner, is made absolute.

However, the petitioner shall join the investigation as and when called upon

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to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

21.11.2016

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No