

Sr. No. 203

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-40766 of 2015

Date of Decision: 17.02.2016

Kanwaljit Singh

...Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sarabjit Singh, Advocate,
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

Mr. Karanjit Singh, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.128 dated 19.05.2015, under Section 304 of Indian Penal Code, registered at Police Station Jandiala Guru, Amritsar, District Amritsar.

On 06.01.2016, while issuing notice of motion the following order was passed by this Court:-

"Petitioner seeks the concession of pre-arrest bail in case FIR No.128 dated 19.05.2015, under Section 304 IPC, registered at Police Station Jandiala Guru, District Amritsar.

Perusal of the FIR would reveal that the allegation against the present petitioner is with regard to having given a push to deceased Avtar Singh i.e. father

of the complainant and who also happens to be the paternal uncle of the present petitioner.

Counsel would submit that the genesis of the dispute is with regard to cultivation of joint land and in respect of which civil litigation is already pending. During the course of hearing, counsel has produced a copy of the opinion rendered by the doctor regarding cause of death of deceased Avtar Singh and which states that the same was “hypoxia due to aspiration of food particles”. Counsel further submits that the age of the deceased was almost 80 years and as such it would be a moot question as regards offence under Section 304 IPC is made out if at all against the petitioner. Counsel further submits that the petitioner otherwise is ready and willing to join investigation.

Notice of motion, returnable on 17.02.2016.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Surinder Mohan would apprise the Court that petitioner has since joined investigation. He further submits that there is no recovery to be effected from the petitioner.

Under such circumstances, custodial interrogation of the petitioner would not be warranted. Petition is allowed. Order dated 06.01.2016, passed by this Court is made absolute.

17.02.2016

**(TEJINDER SINGH DHINDSA)
JUDGE**