

**Sr. No.219
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No.M-42560 of 2015 (O&M)

Date of Decision: 16.05.2016

Ranjit Singh @ Sonu

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. J.B.S.Gill, Advocate,
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

Ms. Prabhjot Kaur, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.175 dated 20.07.2015, under Section 304 of Indian Penal Code, registered at Police Station Tanda, District Hoshiarpur.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Shingo Bai. Allegations pertain to the demise of husband of the complainant, namely, Mohinder Singh who is stated to have come in contact with a wire fencing and in which electricity current was running and he having been electrocuted.

As per version of the complainant, her husband having not returned back home, she along with a relative proceeded to search for him and found Mohinder Singh lying on a *kacha rasta* and an attempt having been made to lift him, she also having received an electric shock. Complainant has further alleged that she found a generator running and two three unknown persons were present there.

The present petitioner was specifically named and who is

stated to have run away after switching off the generator.

Petitioner was arrested in this case on 04.09.2015.

It is the submission made by counsel for the petitioner that the fields in question had been taken on lease by one Harminder Singh from original owners and the present petitioner was only working there as a labourer.

Even the statement of Harminder Singh recorded by the Investigating Agency under Section 161 Cr.P.C. has been read out in Court today and as per which Harminder Singh has stated that he had taken the fields in question on lease and he had purchased a generator set and a wire fencing had been erected to protect the crops from wild animals.

Under such circumstances, the issue as to whether offence would be made out against the petitioner under Section 304 IPC would be a moot question.

Investigation in the present case having been completed, challan has been presented but the matter is still to be committed to the Court of sessions.

The trial as such would take time to conclude.

Without making any observations on merits, prayer made in the present petition is accepted.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Hoshiarpur.

Disposed of.

16.05.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**