

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

**CRM-M No. 6592 of 2016 (O&M)
Date of Decision: 20.05.2016**

Gaurav Bajaj

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. P.S. Guliani, Advocate
for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Mohinder Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail on behalf of the petitioner-accused-Gaurav Bajaj in case FIR No. 111, dated 24.10.2015, for offences punishable under Sections 302, 148, 149 of the Indian Penal Code, registered at Police Station Malout City, District Muktsar, and subsequently converted to under Sections 304/34 of the Indian Penal Code on 10.12.2015 and Sections 3 and 4 of the S.C./S.T. Act added later on.

As per the allegations surfacing in the investigations, Paramjit Singh @ Pamma (since deceased) had gone to Lovely Marriage Palace to attend the wedding reception of the brother of petitioner-accused-Gaurav Bajaj. He is stated to have got dead drunk and teased the bride on stage. Resultantly, the accused party gave beatings to and lifted him up and threw him out of the *Pandaal*. He is stated to have suffered nine injuries

including a head injury. Thereupon two co-accused took him to a hospital

on their motorcycle and being scared on account of his condition, they left him at the door of a Hospital. Initially, the FIR was lodged under Section 302, IPC, however, after investigation, the offence has been converted to Section 304, IPC.

Upon notice, reply of the SSP, Sri Muktsar Sahib on behalf of the prosecution has been filed.

It is contended that the name of petitioner has been falsely nominated as an accused, merely on account of being the brother of bridegroom. That apart, even as per alleged eye-witness version of Jeet Singh, the petitioner is attributed the role of holding the leg of deceased and the said Jeet Singh is none else than the maternal uncle of the deceased, who has been introduced after two days of the occurrence without any explanation for not coming forward at or soon after the occurrence. It is further conceded fact that none of the accused party was armed with any weapons and are attributed only fist and kick blows due to the sudden provocation on account of misbehaviour of Paramjit Singh with the bride. Thus, no offence under Section 304, IPC would be made out. Lastly, it is submitted that the petitioner has joined the investigation and his custodial interrogation would not be required as nothing is to be recovered.

Learned State Counsel, assisted by ASI Mohinder Singh, submits that the petitioner has joined the investigation and his custodial interrogation is not required for the purpose of any recovery, however, keeping in view the nature of offence, he is not entitled for grant of anticipatory bail.

After hearing learned counsel for the parties and keeping in

offence under Section 304, IPC would be made out.

Without commenting on the merits of the case and in view of the above, interim protection/pre-arrest bail granted by this Court, vide order dated 29.03.2016, is made absolute.

May 20, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**