

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

CRM-M -7818 of 2016 (O&M)

Date of decision: 05.09.2016

Mohit Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

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

Mr. Harsimrat Rai, DAG, Punjab
assisted by ASI Joginder Singh.

Mr. Rajesh Bhatheja, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.07, dated 13.02.2016, registered under Sections 302, 392, 201, 120-B and 379 read with Sections 511 and 34 IPC, at Police Station Kheri Gandian, District Patiala.

On 03.03.2016, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.7 dated 13.02.2016, under Sections 302/392/201/120-B/379/34/511 IPC, registered at

Police Station Kheri Gandian, District Patiala.

FIR in question has been registered on the basis of a written complaint of Pardeep Kumar (father of the deceased, Paras).

Counsel would argue that it is a pure case of accidental death on account of drowning in an occurrence that took place on 16.07.2015 when deceased, Paras along with the present petitioner and two other boys had gone for bathing in the Bakhra canal and wherein foot of Paras had slipped and he was drowned in the canal.

Counsel has even adverted to a report of the Incharge, CIA, Rajpura dated 27.10.2015 at Annexure P-3 wherein the complaint initially lodged had been inquired into and it was opined that Paras had accidentally slipped into the canal and had died by drowning. Counsel has further referred to the documents placed at Annexure P-5, P-6 and P-7 to assert that the petitioner was only 13 years of age at the time of alleged occurrence.

Notice of motion, returnable for 23.05.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

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.”

It is contended that in pursuance of the order dated 03.03.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions, submits that

the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 03.03.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Patiala.

The petition stands allowed.

05.09.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No