

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

CRL. MISC. No.M-14016 OF 2017
DATE OF DECISION : 20th JULY, 2017

Jagir Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Raman Goklaney, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.63 dated 19.06.2016 registered under Sections 302, 323 & 149 IPC at Police Station Mamdot, District Ferozepur.

Heard learned counsel for the rival parties.

Reply filed by the State is taken on record.

Seen the FIR and post mortem report (Annexure P- 5). It is the case of the prosecution as is seen that the deceased Maria Bibi wife of Kashmir Singh was run over twice under the tractor after raising *lalkara* by Khem Singh. Not satisfied with one run over, Khem Singh reversed the tractor and again run over her, resulting in stomach burst, profusely

bleeding and her death. The post-mortem report shows cause of death as follows:

“Cause of death

The cause of death in this case in my opinion is death due to ante-mortem injuries which are sufficient to cause death in due course of nature in **road side accident.**”

Post-mortem report is signed by Dr. Harinder, Civil Hospital, Ferozepur, by putting the words cause of death due to *roadside accident*. The Doctor issuing post-mortem report has clearly mislead the criminal investigation and amounts to tampering of the investigation on his part. The Doctor who performed the post-mortem and has given opinion is under a privy to the alleged accident. There is every likelihood of the opinion of Doctor being taken into advantage by the accused persons.

Dr. Harinder, Civil Hospital, Ferozepur is therefore, directed to tender an explanation on affidavit as to under what circumstances he has mentioned his opinion as the death due to road side accident. This is by way of opportunity to Dr. Harinder. The affidavit shall be filed on or before 26.07.2017. The state counsel is directed to communicate this order to Dr. Harinder by FAX.

Insofar as the petition for anticipatory bail by Jagir Singh, is concerned, it is seen that Jagir Singh is alleged to have brought *sota* from his house. There is no allegation that he has raised *lalkara* or instigated Khem Singh to run over the tractor over the deceased. However, the allegation is that he has given *sota* blow to the complainant. The main

allegations are against Khem Singh who acted cruelly in crushing the old woman under the tractor twice.

In that view of the matter, looking to the role of the petitioner, prima facie, I find that the petitioner is entitled to grant of anticipatory bail. Hence I make the following order:

ORDER

- (i) CRL. MISC. No.M-14016 OF 2017 is allowed.
- (ii) In the event of arrest, the petitioner shall be released on *ad-interim* anticipatory bail in FIR No.63 dated 19.06.2016 registered under Sections 302, 323 & 149 IPC at Police Station Mamdot, District Ferozepur, on furnishing of bail bonds amounting to ₹10,000/- with one surety each in the like amount to the satisfaction of the Arresting Officer.

The matter be put up on **27.07.2017** for awaiting the explanation of Dr. Harinder.

20TH JULY, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No</i>