

CRM-M-19750-2016

Date of decision:21.02.2017

Jagdev Singh

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Ms. Supriya Garg, Advocate
for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking the concession of anticipatory bail to the petitioner in case FIR No.111 dated 23.07.2005, under Sections 302/148/149 IPC, registered at Police Station Dakha, District Ludhiana.

Deceased in the present case is Amarjeet Singh, whose body was found near well on 11.07.2005. FIR came to be registered on the statement of the father of the deceased and who had stated that his son was last seen with co-accused Jagdeep Singh on 10.07.2005.

Perusal of the FIR would reveal that there is no specific role or motive attributed to Jagdev Singh, the present petitioner, with regard to the death of the deceased Amarjeet Singh.

Co-accused Jagdeep Singh was granted interim protection by this Court on 28.05.2016 in CRM-M-18419 of 2016 and the following order was passed:

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.111 dated 23.07.2005, under Sections 302/148/149 of

Indian Penal Code, registered at Police Station Dakha, District Jagraon.

Deceased in the present case is Amarjeet Singh and whose body was retrieved from a well on 11.07.2005.

Counsel submits that wife and son of the deceased had suffered statements that Amarjeet Singh had died on account of a sudden and accidental fall in the well. Further contended that during the course of investigation and in which the petitioner had duly associated he was found innocent and even a cancellation report had been submitted. However, the cancellation report has not been accepted by the competent Magistrate and the matter has been referred back to the Police for further investigation. It is contended that now a Special Investigation Team has been constituted by the Senior Superintendent of Police, Ludhiana and the petitioner would be ready and willing to even associate and cooperate with the SIT that has been constituted.

Further contention raised by counsel is that the cancellation report had not been accepted by the Court apparently in the light of an opinion rendered by two doctors on 15.07.2005 wherein it had been noticed that there were as many as 18 injuries on the person of the deceased and the same could not have been caused only on account of the fall in a tubewell. In this regard, counsel has even adverted to a subsequent opinion rendered on 29.09.2005 by the Board of Doctors and in which it has been opined that the possibility of all the 18 injuries on the dead body of Amarjeet Singh by fall in the well having depth of 23 feet 4 inches having a motor, a girdir and a shaft cannot be ruled out.

Notice of motion, returnable for 08.09.2016.

In the meanwhile, petitioner is directed to join investigation and duly appear before the Special Investigation Team.

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.”

In terms of order of even date passed in CRM-M-18419 of 2016, the order granting interim protection to co-accused Jagdeep Singh has been made absolute.

It is the contention of the learned counsel appearing for the petitioner in the present case that Jagdev Singh petitioner herein would be on a better footing in comparison to Jagdeep Singh.

On 01.06.2016, while issuing notice of motion, the petitioner has been directed to join investigation and interim protection as regards arrest has been granted.

Learned State counsel upon instructions from Inspector Gurpreet Singh would apprise the Court that the petitioner has since joined investigation.

Accordingly, the present petition is allowed. Order dated 01.06.2016 passed by this Court is made absolute.

Disposed of.

21.02.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether Speaking/Reasoned

Yes

Whether Reportable

No