

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

CRM-M No. 18884 of 2017(O&M)

Date of decision: 25.5.2017

Gursikander Singh

....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.S. Pandher, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of pre-arrest bail in FIR No. 128 dated 03.10.2016 registered with Police Station Sangat, District Bathinda for offence punishable under Section 304-B read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC')

Counsel for the petitioner has submitted that the petitioner has not been declared as a proclaimed offender though process in this regard has been initiated. Further submitted that Sukhpreet Kaur, mother of the petitioner faced trial for offence under Section 304-B IPC but the complainant and witnesses of the prosecution did not support cause of the prosecution and as a result, she was acquitted of the offence vide judgment dated 16.03.2017. Before the Court below, during hearing of application for grant of pre-arrest bail, Jagsir Singh – complainant made a statement in favour of the petitioner. It is vehemently argued that keeping in view the subsequent events, no useful purpose would be served by taking the

petitioner in custody, when otherwise he is ready to face the proceedings in accordance with law.

I have heard counsel for the petitioner and perused the paper-book.

Be that as it may, the instant FIR was registered at the behest of father of Sharandeep Kaur who was married with the petitioner 1½ years before the occurrence and out of the wedlock, there is a child aged about 8 months at the time of occurrence. Counsel for the petitioner is not in a position to explain as to why the petitioner kept himself away from the proceedings since lodging of FIR. It further appears to the Court that as the petitioner was not taken in custody, he could manage to tamper with the investigation and prosecution witnesses resulting in acquittal of his mother vide judgment dated 16.03.2017. Keeping in view conduct of the petitioner, he is not entitled to pre-arrest bail, a concession to be allowed by the Court.

Dismissed.

MAY 25, 2017		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no