

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21116 of 2017
Date of Decision: 06.07.2017

Palwinder Singh @ Maan Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Harsh Bungler, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 175 dated 20.07.2015 registered for the offence punishable under Sections 304 of Indian Penal Code (for short, "IPC") at Police Station Tanda, Hoshiarpur.

Heard.

Notice of motion.

On asking of the court, Ms. Rajni Gupta, Sr. DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

Case of prosecution, in brief, is that Mohinder Singh husband of complainant died due to electrocution as fencing around field having maize crop had been provided electric current through a generator. When complainant tried to pick her husband, she also received a shock, but got saved due to *chappal* she was wearing. Ranjit, Sonu and Jodha Singh, who

were standing near generator stopped it and ran away from spot.

Learned State counsel has opposed the bail application on the ground that petitioner was earlier proclaimed offender and after release on bail he may again abscond.

Admittedly, the petitioner was declared proclaimed offender but thereafter he applied for pre-arrest bail and surrendered before the police under the direction of this Court. On mere apprehension that he may abscond, the benefit of bail cannot be declined to him. The petitioner will face the consequences if he indulges in such misadventure.

Co-accused, namely, Ranjit Singh @ Sonu has already been released on bail vide order dated 16.05.2016 passed in CRM-M-42560 of 2016. Allegations against the petitioner are similar and he was arrested on 18.05.2017 in this case. He is not owner of fields where the incident took place. As to whether he had any role in the occurrence is a fact to be ascertained by Court on appreciation of evidence produced in the case.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Palwinder Singh @ Maan Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand

withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

July 06, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No