

215

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

CRM-M-30051 of 2017

Date of decision: September 06, 2017

Khem Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner seeks grant of anticipatory bail in FIR No.63 dated 19.06.2016, under Sections 302, 323, 149 of Indian Penal Code, 1860, registered at Police Station Mamdot, District Ferozepur.

The prosecution case shows the highest degree of cruelty on the part of the petitioner one could ever imagine. I quote the following averments from the FIR for supporting the above statement:-

“On the kachha rasta leading nearby our house Bohar Singh son of Gurdip Singh, Kikar Singh son of Gurdip Singh, Sher Singh son of Bagga Singh and Bagga Singh and Jangir Singh son of Surain Singh and with them Kauro Bai wife of Khem Singh caste Rai Sikh residents of Memood Ke Mall, Hithar came towards our house and we by going outside enquired from them regarding cutting of safeda trees from our land as to why you have cut out safeda trees from our land on which an altercation had taken place and they grappled with us and Jangir Singh brought a sota from his house and behind them Khem Singh son of Sher Singh on his tractor Mohindra D1 without number red colour came and all of them raised

lalkara that Khem Singh crush them under the tractor and Jangir Singh gave a sota blow to me which sota blow hit me on the thumb of my left hand and Khem Singh with an intention to kill tried to run over his tractor on all three of us and we both brothers by running stepped aside of the tractor and Khem Singh crushed my mother Maria Bibi with his tractor and we both brothers raised rolla but Khem Singh by reversing his tractor run over my mother twice with his tractor due to which her stomach was torn off and she died on the spot. That on seeing my mother profusely bleeding with blood all of them with their tractor Mohindera D1 without number flee from the spot.”

Petitioner-Khem Singh tried to ran over the Tractor on all the three persons, but two of them stepped aside. Thereafter, Khem Singh crushed their mother Maria Bibi. Not satisfied, he again took a reverse turn and again ran over the Tractor over the body of the woman, due to which, her stomach was torn and she died on the spot. What is most surprising and bizarre is that doctor gave opinion that the case could be one of the road-side accident. He then tendered apology before this Court. This Court had, then, directed the Director General of Health Services, Punjab to issue instructions to doctors giving opinions to be within their limits and not to perform the job of giving ocular testimony in their opinions. Be that as it may, needless to say the present petition for anticipatory bail must be rejected outright.

Petition stands dismissed.

(A.B. CHAUDHARI)
JUDGE

September 06, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No