

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

**Crl. Misc. No.M-4030 of 2017 (O&M)
Date of Decision: March 09, 2017.**

Avtar Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Jatinder Jit Kaur, Advocate
for the petitioner (s).

Mr. Ashish Sanghi, D.A.G., Punjab.

Mr. R.S. Rai, Senior Advocate with
Mr. C.S. Bakshi, Advocate
for complainant.

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.82 dated 06.05.2016 registered for the offences punishable under Sections 304 read with Section 149 of Indian Penal Code(for short-IPC) (later on converted to Section 148, 302 read with Section 149 IPC), at Police Station Sadar Nakodar, District Jalandhar.

Heard.

Learned counsel for the petitioner has argued that cause of death of Teja Singh was cardiac arrest. As per version of the occurrence recorded in the FIR, petitioner and his co-accused gave pushes to the

deceased as a result of which, he fell down. In the supplementary statement of complainant recorded by the police, injuries were caused to the deceased by Manjinder Singh, Tejinder Singh and Varinder Singh @ Vicky. Avtar Singh has not been attributed any specific injury to the deceased.

Learned State counsel and learned counsel for the complainant submit that Avtar Singh is the main accused through whom Teja Singh-husband of complainant, who is non-resident Indian, has given his land for cultivation to one Suleman. It was at the behest of Avtar Singh that Teja Singh was given pushes and injuries, which resulted in his death.

I have perused the police file with the assistance of learned State counsel and found that in both version regarding the occurrence i.e. one contained in the FIR and the second as per supplementary statement of the complainant, no specific injury caused to the deceased has been attributed to the petitioner. It is a matter to be seen and decided on the basis of evidence as to which version is correct and what role of petitioner is made out, if any. Even while appearing as PW1, complainant has not attributed any injury to petitioner. The petitioner was arrested in this case on 06.05.2016.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Avtar Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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 prior permission of the Court.

(SURINDER GUPTA)
JUDGE

March 09, 2017
Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***