

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

201

CRM-M-41922 of 2017

DATE OF DECISION:31.07.2017

YODHVIR SINGH @ JODHA

... Petitioner(s)

V.

STATE OF PUNJAB AND ANR.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms. Satpreet Grewal Kapila, Advocate
for the petitioner.

Mr. H.S. Grewal, Addl. A.G., Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking anticipatory bail in criminal complaint case No.3 dated 17.02.2014 titled as Amrik Singh Vs. Jang Bahadur filed under Sections 302, 364, 201, 120 read with 34 IPC and 25, 27, 54 of Arms Act pending in the Court of Judicial Magistrate Ist Class, Mukerian.

Learned counsel for the petitioner contends that initially FIR No.37 dated 21.07.2013 (Annexure P-3) was registered on 21.07.2013 under Section 306 IPC as Kuldeep Singh was stated to have committed suicide. The post-mortem report indicated that death was due to drowning. The police after investigation filed an untraced report before the competent Court. The complainant Balwinder Singh at whose behest the FIR was registered did not file any protest petition. She further contends that however, later on Amrik Singh filed a complaint before the Court wherein the petitioner along with others has been summoned to face trial. She also contends that a similarly situated co-accused namely Krishan Lal Sharma has been granted

anticipatory bail by a coordinate Bench of this Court in CRM-M-42679 of

2016 on 27.02.2017. Though the office report indicates that notice was served upon the complainant-Amrik Singh who is arrayed as respondent No.2 but no one has put in appearance on his behalf.

The cause of death of the deceased Kuldeep Singh is stated to be drowning. The FIR was registered under Section 306 IPC and the police had filed an untraced report. No protest petition had been filed. The allegations are that the petitioner along with other co-accused had caught hold of deceased and threw him in the canal. However, it is stated by the learned counsel that in the post-mortem report of the deceased, no external injury has been found. The co-accused of the petitioner namely Krishan Lal Sharma has also been extended the benefit of anticipatory bail.

In view of the above, I find it to be a fit case to extend the benefit of anticipatory bail to the petitioner. Consequently, the petition is allowed and the petitioner is directed to appear before the trial Court and on his appearance before the trial Court, the trial Court shall release him on bail subject to its satisfaction. I hasten to add that nothing whatsoever observed in this order shall be construed as an expression on merits of the case.

July 31, 2017

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No