

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-4238 of 2017 (O&M)

Date of Decision: 27.04.2017

Kulwinder Singh @ Fauji

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. N.S. Dandiwal, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.227 dated 24.11.2013 under sections 302, 201, 148, 149 I.P.C, registered at Police Station, Dharamkot, District Moga.

On 9.2.2017, while issuing notice of motion, the following order was passed by this Court:-

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.227, dated 24.11.2013, under Sections 302/201/148/149 IPC, registered at Police Station Dharamkot, District Moga.

It may be noticed that the FIR in question came to be registered on the statement of Sukhjinder Singh in relation to the death of his brother, namely, Harjinder Singh. In the FIR, no assailant had been named. During the course of investigation, statements of the complainants were recorded under Section 161 Cr.P.C. and in such statement also, present petitioner was not named. As per prosecution version, an extra judicial confession of one Narinder Kaur wife of Gurdev Singh i.e. the paternal aunt of the deceased had been recorded wherein she had stated that Baljit Kaur i.e. wife of the

deceased in connivance with other co-accused have killed her husband. Even in such extra judicial confession, name of the present petitioner does not figure.

During the course of the trial, daughter of the deceased PW3 Lovepreet Kaur has deposed that her mother was having illicit relationship with the present petitioner and as such both in connivance with each other killed Harjinder Singh.

It is a case where the petitioner during the course of investigation had not been nominated as an accused and it is only in pursuance to an application filed by the prosecution under Section 319 Cr.P.C. that he has been summoned to face trial as an additional accused.

Notice of motion, returnable for 27.04.2017.

In the meanwhile, it is directed that in case the petitioner puts in appearance before the trial Court within a period of 10 days from today, he would be entitled to ad interim protection as regards arrest subject to satisfaction of the trial Court.”

Counsel for the petitioner has during the course of hearing furnished before this Court a certified copy of order dated 14.2.2017, passed by the learned Sessions Judge, Moga and which would show that the petitioner has duly appeared before the Trial Court and has been admitted to interim bail upon having furnished requisite bail bonds and sureties.

The petitioner having joined trial proceedings, the prayer made in the present petition is accepted. The order dated 9.2.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

27.04.2017
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Whether speaking/reasoned: Yes
Whether Reportable: No