

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

**Crl. Misc. No.M-20835 of 2018 (O&M)
Date of Decision: June 01, 2018**

Ashok Kumar Sethi

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.S. Kahlon, Advocate
for the petitioner (s).

Ms. Monika Jalota, DAG, Punjab.

Mr. Naveen Batra, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.27 dated 11.02.2018 registered for the offence punishable under Section 304 Indian Penal Code (for short-IPC) and Section 27 and 30 of Arms Act (offence under Section 302/34 IPC has been deleted vide DDR No.27 dated 26.04.2018), at Police Station City Hoshiarpur.

Heard.

Learned counsel for the petitioner has argued that as per the allegations in the FIR, petitioner and his co-accused Ashok Kumar Khosla had fired with their weapon in marriage function of daughter of Ashok

Kumar Khosla. From the FSL report, it is proved that bullet fired from the revolver of Ashok Kumar Khosla had hit deceased Sakshi. There is no evidence that any bullet fired by the petitioner had hit Sakshi. Even otherwise, the police during investigation has changed the offence under Section 302 IPC to 304 IPC. The petitioner is a respectable citizen, who is having his licensed weapon. He is ready to surrender his weapon with the police to verify as to whether any shot was fired from his gun.

The occurrence took place during marriage function of daughter of co-accused Ashok Kumar Khosla. The complainant had approached Ashok Kumar Khosla to lower the sound of DJ as his daughter Sakshi had to appear in MBA Exam. This led to an altercation and Ashok Kumar Khosla fired from his revolver in the air and one of the bullet hit daughter of complainant, who was standing on the roof of her house.

Learned State counsel on instructions from SI Naresh Kumar submits that as per FSL report, the bullet fired from the pistol of Ashok Kumar Khosla co-accused had hit the deceased resulting in her death.

Keeping in view the above facts but without expressing any opinion on the merits of the case, this petition is allowed. Petitioner Ashok Kumar Sethi is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on anticipatory bail, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of bail allowed to him.

It is, however, made clear that in the event of petitioner not

surrendering before the Investigating Officer within two weeks, the order allowing bail to him shall stand withdrawn automatically.

June 01, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>