

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

CRM-M-26361-2018 (O&M)

Date of Decision:- 7.8.2018

Aman Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Paras Talwar, Advocate, for the petitioner.

Mr. A.S.Sandhu, Addl. A.G., Punjab.

Mr. Rajesh Narang, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.13 dated 6.2.2018, under Sections 302, 427, 148 and 149 of IPC, Police Station Dera Baba Nanak, District Gurdaspur.

Mr. Rajesh Narang, Advocate has appeared on behalf of the complainant and filed power of attorney. The same is taken on record.

The FIR was registered at the instance of Baghail Singh wherein it is alleged that on the day of occurrence when he along with Sukhjot Singh was present in his fields, then his brother Subeg Singh and Sanjeev Kumar were coming to Dera Baba Nanak from the side of village Fatehgarh Churian on a scooter. It is alleged that when they reached near their fields, two 'Bolero' vehicles came there belonging to excise contractor.

The 'Bolero' vehicle of coca-cola colour was driven by Billa and Nirmal Singh Randhawa, excise contractor was sitting by his side on front seat while Jagtar Singh, Aman and Sarjit Singh were sitting on the rear seat of the said vehicle. It is further alleged that another four workers of the contractor were sitting in the 'Bolero' vehicle which was following the coca-cola coloured 'Bolero'. It is alleged that Nirmal Singh Randhawa who was sitting on the front seat of the 'Bolero' vehicle raised *lalkara* exhorting his accompanying that the deceased should not be spared as they were causing hindrance in sale of their liquor and that thereafter the 'Bolero' vehicle in the front, with an intention to kill the occupants of scooter hit against the said scooter as a result of which Subeg Singh and Sanjeev Kumar fell on the road and sustained multiple injuries. It is further alleged that when Subeg Singh tried to get up, the driver of the said 'Bolero' vehicle reversed the vehicle and hit against Subeg Singh due to which both of them died at the spot.

Notice of this petition was issued to the respondent.

Learned State counsel has opposed the present petition.

Learned counsel for the petitioner has submitted that there is a delay of about six hours in lodging the FIR and that in fact the complainant who is brother of one of the deceased namely Subeg Singh was nowhere in the hospital and that neither the dead bodies were brought by him in the hospital nor were identified as would be evident from perusal of the post mortem report. Learned counsel has further submitted that in the post mortem report it is recorded that the cause of death is road side accident.

On the other hand learned State counsel assisted by learned counsel for the complainant has submitted that in fact all the occupants of

both the ‘Bolero’ vehicles had conspired and shared a common object to kill the deceased on account of business rivalry as both of them are contractors.

Having heard the learned counsel for the petitioner and also the learned State counsel assisted by learned counsel for complainant, I find that the present petitioner was sitting on the rear seat of the ‘Bolero’ vehicle. It is debatable as to whether he shared any intention or common object to cause death of the deceased. As such, in my opinion, it is not a case where custodial interrogation is warranted. The petition is as such accepted and interim directions issued vide order dated 20.6.2018 are made absolute subject to the condition that the petitioner would appear before the learned trial Court regularly and abide by any other condition as may be imposed by the learned trial Court.

The petition is accepted in the above mentioned terms.

August 7, 2018
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No