

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

**CRM-M No.938 of 2018 (O&M)
Date of Decision: 22.05.2018**

Kuldeep Singh

..... Petitioner

Versus

Jagsir Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Rohit Kumar, Advocate for the petitioner.

None for the respondent despite service.

Mr. A.S.Dhaliwal, Deputy Advocate General, Punjab.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in Complaint Case No.COMI/235/2016 dated 07.10.2016, under Sections 302, 307, 323, 324, 34 of the Indian Penal Code, titled as “**Jagsir Singh Versus Kuldeep Singh and another**”, pending before the Court of learned Judicial Magistrate 1st Class, Bathinda.

The allegations in the complaint are that on 16.07.2016, complainant-Jagsir Singh received a mobile call from his nephew-Gurpreet Singh that his mother-Manjit Kaur is admitted in the hospital due to the injuries caused by Kuldeep Singh and Baljinder Singh, who used to take intoxicants. The complainant rushed to the hospital where Manjit Kaur told him that on the night of 14/15.07.2016 at about 10:00 PM, she along with her son-Gurpreet Singh and her husband-Bahadur Sungh was present at her home and in the meantime, accused Kuldeep Singh (cousin of accused

Baljinder Singh) and Baljinder Singh (son of the deceased) came to her house, armed with the handle of *Kahi*, and both of them were intoxicated and demanded money from the complainant party but they refused to give the same. Thereafter, both accused gave beatings to Manjit Kaur with the handle of *Kahi* with an intention to kill her. On raising the hue and cry, accused Kuldeep Singh and Baljinder Singh ran away from the spot. Thereafter, she rushed to the hospital and during treatment, Manjit Kaur succumbed to death on 18.08.2016. Before the death of deceased-Manjit Kaur, complainant moved an application before the Court for issuance of direction to the SHO concerned for recording the statement of Manjit Kaur and on the order of the Court concerned, an FIR No.47 dated 13.08.2016 was got registered by the police of Police Station Nandgarh under Sections 323, 307, 34, IPC. Subsequently, on the death of Manjit Kaur, Section 302, IPC has been added in the said FIR vide Rapat No.7 dated 19.08.2016. Thereafter, during investigation, accused Kuldeep Singh has been declared as innocent by the police and dropped the proceedings against him. On an application filed under Section 319 Cr.P.C., both the accused were summoned under Sections 302/34, IPC by the learned lower Court vide order dated 10.07.2017.

A co-ordinate Bench of this Court, in FIR No.47 dated 13.08.2016, granted bail to the petitioner, vide order dated 15.09.2017 (**Annexure P-2**), passed in CRM-M No.18930 of 2017 and which reads as under:-

“ *The petitioner is seeking anticipatory bail in FIR No. 47, dated 13.08.2016, under Sections 323, 307, 34 IPC (Section 302 added later on), registered at Police Station Nandgarh, District Bathinda.*

Learned counsel for the petitioner contends that the petitioner was declared innocent in the investigation by the Investigating Officer. Subsequently, a Special Investigation Team headed by Superintendent of Police was constituted and the petitioner was declared innocent therein as well. He has been summoned to face trial on the application filed by the complainant under Section 319 Cr.P.C.

This Court vide order dated 31.08.2017, had directed the petitioner to join investigation and on his doing so, he was to be released on ad-interim bail to the satisfaction of the trial Court.

Learned counsel for the petitioner contends that in pursuance to the order dated 31.08.2017 of this Court, the petitioner appeared before the trial Court on 05.09.2017 and submitted his bail bonds to its satisfaction.

In view of the above, the order dated 31.08.2017 granting interim bail to the petitioner is made absolute.

The petition stands disposed of accordingly.

This Court, while issuing notice of motion on 12.01.2018, granted interim bail to the petitioner in the present case.

Today, learned Counsel for the petitioner has produced the copy of order dated 19.02.2018, passed by the learned Judicial Magistrate 1st Class, Bathinda to substantiate that the petitioner has joined the proceedings, in terms of order dated 12.01.2018 of this Court. The photocopy of the said order is taken on record and marked as 'X'.

In view of above, interim order dated 12.01.2018 is made absolute and the petitioner is directed to fully co-operate the learned trial Court.

Petition stands disposed off.

May 22, 2018
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes