

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

121

**CRM-M-39098-2019(O&M)
Date of decision : 03.10.2019**

SUMITJIT SINGH

.....Petitioners

versus

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K.Sandhir, Advocate,
for the petitioner.

Mr. SPS Tinna, Addl. A.G., Punjab

Mr. P.B.S.Goraya, Advocate,
for the first informant.

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for bail in FIR No.112, dated 26.06.2018, registered under Sections 302/379-B/323/34 IPC, at Police Station Cantonment, Amritsar.

As per the allegations of the prosecution, petitioner along with other co-accused had pushed the scooter on which the deceased along with her daughter were travelling. Due to the aforesaid push, deceased fell down and died. Allegations are that the petitioner along with other co-accused had snatched the purse.

Investigations are complete. Final report has been filed and the prosecution has examined 3 witnesses out of 32 witnesses which the prosecution intends to examine. Petitioner is in custody for 1 year and 3 months and is not involved in any other case.

It would be debatable as to whether offence under Section 302

IPC is made out or not?

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody for 1 year and 3 months, not involved in any other case and the trial of the case is likely to take a long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate.

Accordingly the petition is allowed with the aforesaid directions.

On 19.09.2019, show cause notice was given to the Deputy Superintendent of Police, Central Jail, Amritsar, as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against him.

It has been noticed that in large number of cases the affidavit of custody filed under the signatures of Deputy Superintendent of Police (Jail) do not depict correct position.

Reply by way of affidavit has been filed in court today, explaining the reasons for error.

Keeping in view the aforesaid facts, the Deputy Superintendent of Police, Central Jail, Amritsar, who is present in Court, is warned to be careful in future lest this Court is compelled to take serious view.

October 03, 2019
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No