

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

107

Crl. Misc. No.M-10050 of 2019

Date of Decision:- 05.03.2019

Harpreet Singh @ Lovely

....Petitioner

vs.

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Vipin Mahajan, Advocate,
for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks anticipatory bail in FIR No.2 dated 14.1.2019 registered at Police Station Kahnuwan, District Gurdaspur, under Sections 302, 323, 148 and 149 IPC.

According to the FIR, the mother of the complainant died due to a brickbat blow allegedly given by the petitioner.

Learned counsel for the petitioner submits that because of the darkness, the person who threw the brickbat could not have been identified. Further, it was a petty squabble between family members and there was no intention to kill, consequently, Section 302 IPC is not attracted.

Whether the petitioner actually threw the brickbat at the deceased person or not can only be established after the trial has been concluded.

At this stage, a specific allegation has been made against the petitioner and I have to examine this case in accordance with the case set up in the FIR. Thus, the argument of learned counsel for the petitioner cannot be accepted. Similarly, whether Section 302 IPC is attracted or not is a matter of evidence and I am in no

position to opine on the same at this stage.

For the reasons aforementioned, the petition has no merit and is accordingly dismissed.

In case, the petitioner surrenders and seeks regular bail, the trial Court is directed to decide his application expeditiously and in any case not later than 10 days from the date of filing of the same.

March 05, 2019
poonam

(SUDHIR MITTAL)
JUDGE

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