

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

CRM-M-44466-2018
Date of decision:31.01.2019

Kulwant Singh and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. K.B.S. Mann, Advocate
for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

Ms. Ishima Randhawa, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

1. Petitioners - Kulwant Singh and Mohinder Singh aged about 70 years and 65 years respectively seek grant of anticipatory bail, apprehending their arrest consequent upon the petitioners having been summoned with the aid of Section 319 Cr.P.C. in a trial arising out of FIR No.229 dated 21.11.2017 under Sections 302, 341, 34 and 120-B of Indian Penal Code, 1860, Police Station Beas, District Amritsar (Rural).
2. The FIR was registered at the instance of Dalbir Kaur wherein it has been alleged that on the day of occurrence when his husband was returning home after supplying milk and when he reached near tubewell of Jaswant Singh @ Jassu, then Amrik Singh who was empty

handed, Kawaljit Singh @ Bura who was armed with spade (*Kahi*) and Mandeep Singh who was armed with '*Gandasi*' attacked her husband and inflicted injury as a result of which he died at the spot. It is alleged that the motive was that there was a dispute regarding agricultural land with Amrik Singh and Jaswant Singh and due to which Amrik Singh and his son namely Kawaljit Singh and Mandeep Singh had killed her husband at the instance of Jaswant Singh, Mohinder Singh and Kulwant Singh.

3. Learned counsel for the petitioners has submitted that they are not attributed any injury and were in fact not present at the spot and no motive can even be attributed to them even as per the FIR.
4. Opposing the application, the learned State counsel assisted by learned counsel for the complainant has submitted that in view of the serious nature of the allegations wherein the complainant's husband has been killed, no case for grant of anticipatory bail is made out.
5. Having considered rival contentions addressed before this Court and bearing in mind the fact that the petitioners were not present at the spot and were not attributed any injury and have been summoned with the aid of Section 319 Cr.P.C. and would not be required for any investigation, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and the interim directions issued vide order 08.10.2018 are hereby made absolute.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

7. It is further clarified that in case the petitioners ever misuse the concession of anticipatory bail, it would be open for the prosecution to move an application for cancellation of their bail.

(GURVINDER SINGH GILL)
JUDGE

31.01.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**