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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12677 of 2020(O&M)

Date of decision : 03.6.2020

Gurpreet Singh @ Gaurav

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: Hon'ble Mr. Justice G.S. Sandhawalia

Present:- Mr. Aditya Sanghi, Advocate for the petitioner

Mr. S.P.S.Tinna, Addl. A.G.Punjab.

G.S. Sandhawalia, J. (Oral)

The matter has been taken up by way of Video Conferencing in view of Covid-19 situation as per instructions issued.

The petitioner seeks regular bail in FIR No.61 dated 27.09.2019 under Sections 365, 304, 34 IPC registered at Police Station, Gardiwala, District Hoshiarpur.

The FIR was lodged by complainant Mahesh father of the deceased after six days wherein it was alleged that on 21.09.2019, the petitioner had come at 4.00 AM in the morning to call his son Jitu the deceased for some work who had refused to go. The son of the complainant at 4.30/4.45 AM had gone to answer the call of nature and did not come back. Resultantly suspicion was raised against the petitioner.

Counsel for the petitioner submits that the information as such was given to the police on 21.9.2019 also. During the course of investigation supplementary statement of Mahesh, complainant was

recorded wherein one Gopal Singh was also named who was cultivating the land on lease wherein wire having electricity current had been fixed for hunting. The complainant case was that the deceased had been intentionally taken to the field of sugarcane to see as to whether any hunt had died and wire having electricity current had touched with his hand due to which he had died. Resultantly body of the deceased as such had been recovered from the sugarcane field which had been covered with sugarcane leaves.

Counsel for the petitioner has thus argued that the investigation is complete and the charge has been framed a week earlier and the trial is likely to take some time. The Addl. Sessions Judge, Hoshiarpur as such declined the regular bail on account of the confessional statement and as the offence under Section 304 IPC was added and there was direct allegation against the petitioner of committing crime alongwith his co-accused.

In the considered opinion of this Court since the cause of death was electrocution it would be a moot point as such as to whether the applicant as such was responsible for the offence under Section 304 IPC. The petitioner along with deceased and the other co-accused as such were apparently by using electrified fence were doing illegal hunting of wild animals which are readily found in District Hoshiarpur since it is in the foothills of Shivalik mountains. It is also the case of the counsel that at best the case would be under Section 201 IPC since body was got recovered at their instance from the sugarcane field.

In such circumstances, since the petitioner has been in custody from 27.10.2019; investigation is complete and the trial is likely to take considerable time, this Court is of the opinion that a case for grant of

regular bail is made out.

Accordingly petitioner be released on regular bail to the satisfaction of the Illaqua/Duty Magistrate, Hoshiarpur.

Accordingly the present petition stands disposed of.

03.06.2020
Pka

(G.S. Sandhawalia)
Judge