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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17845 of 2020

Date of Decision: 30.07.2020

CHARANJIT SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Rana Harjasdeep, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail in case bearing FIR No.30 dated 03.06.2020 registered under Section 304 IPC at Police Station Bajakhana, District Faridkot.

On 08.07.2020, following order was passed by this Court:-

"The petitioner prays for grant of pre-arrest bail in a criminal case arising out from FIR No.30, dated 03.06.2020, registered under Section 304 IPC at Police Station Bajakhana, District Faridkot.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge in

paragraph 7 of the impugned order, which is extracted as under:-

“7. Perusal of record reveals that complainant Balwinder Kaur suffered a statement before the police that her son Balvir Singh was habitual of taking drugs and in order to fulfill his lust, he used to demand money from her husband daily and for not giving him money, he used to quarrel with them and used to beat them. On 3.6.2020, she and her husband Charanjit Singh, who has retired from Army, were doing work in the Courtyard. At about 12/1:00 PM, her son started beating her. When her husband tried to rescue her, her son started abusing him. Then her son rushed towards the residential room and took out one licenced 12 bore gun of her husband and with intention to kill her husband, he loaded two cartridges in the gun. Her husband, in order to prevent loss of any person, tried to snatch the said gun from her son, but her son restrained her husband to snatch the gun and they both grappled with each other and while grappling, suddenly two fire shot from the gun, which hit on right arm and in the stomach of her son, due to which he died at the spot. Due to fear, her husband alongwith 12 bore gun, fled away from the spot. On the basis of said statement FIR was registered against accused for offence under Section 304 IPC.”

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioner contends that the petitioner's son was a drug addict, involved in as many as 7 criminal cases including one case under the NDPS

Act. He submits that the deceased had come out of jail on parole and when he demanded money for consuming drugs, wife of the petitioner refused to give him the money. Thereafter, the deceased started mercilessly beating his mother and took out 12 bore gun with the intention to kill her. The petitioner tried to snatch the gun and in an accidental fire, the deceased died. Notice of motion for 30.07.2020.

On the request of this court, Mr. Amit Mehta, Sr. DAG, Punjab accepts notice on behalf of the State and does not dispute that the deceased was involved in as many as 7 criminal cases including a case under the NDPS Act.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submitted that in compliance of the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Jaskaran Singh admitted the aforesaid fact and submitted that the petitioner is no more required for further investigation of the case.

In view of observations made in the order dated

08.07.2020, it would be just and appropriate to confirm the interim bail. Consequently, the interim order dated 08.07.2020 is made absolute. Petitioner shall keep on joining the investigation as and when directed to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

July 30, 2020
Atik

(RAJ MOHAN SINGH)
JUDGE

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