

CRM-M-24621-2020 (O&M)

DECIDED ON: 17th September, 2020

CHANDAN PARTAP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

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

Ms. Samina Dhir, DAG Punjab.

Ms. Baljit Kaur Mann, Advocate for the complainant.

AVNEESH JHINGAN, J (ORAL)

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

This petition is filed being aggrieved of rejection of anticipatory bail by Additional Sessions Judge, Gurdaspur in FIR No. 103, dated 9th June, 2020, under Sections 302 IPC read with Section 120-B IPC, registered at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur.

FIR was registered at the instance of Baljit Singh. Allegations are that there were strained relation between accused and family of complainant as they were getting land on lease from one Suneetpal Kaur (aunt of accused) from the last 5-6 years. In the said land, there was a tubewell. On 9th June, 2020, Amarjit Singh along-with son of his maternal uncle went to the fields. After some time complainant heard his cousin's shouting. On reaching the spot they found Amarjit Singh lying near the tubewell on the net of naked

was taken to CHC, Bham where doctor declared him dead. It is stated that the web of naked wires was laid down around the tubewell to cause electrocution.

Learned counsel for the petitioner submits that there was no incident ever reported of dispute between the parties. There is no eye witness to the incident. It is a case of accidental death where the deceased stepped on the wires used to keep the animals away. It is alleged that the entire evidence has been fabricated. To buttress his argument, learned counsel for the petitioner submits that the petitioner is named in the FIR, as a civil suit was filed by the father of the accused against the complainant..

Learned State counsel opposes the anticipatory bail stating that the accused is specifically named in FIR. It is further brought to the notice of the court that the investigation of the case has been transferred to SP(D), Amritsar (Rural) on the request of the mother of the petitioner.

The complainant has moved an application for impleadment, as the matter is fixed for hearing. Ms. Baljit Kaur Mann, Advocate for the complainant is heard. She argues that the entire spot of the incident was videographed and it is evident that a naked wire was intentionally put around the tubewell so that whosoever comes to switch on the tubewell is electrocuted. She fortifies his argument by saying that net of wires was connected through a 50 feet wire to the transformer. She argues that it was season for sowing paddy and the house of the accused being adjoining to the fields of the complainant, they were well aware that some one from the complainant's family will come to water the fields. She further argues that police is helping the accused by neither arresting him nor by proceeding with the investigation.

The concession of anticipatory bail is discretionary. The case in hand is of Section 302 IPC/ The date of incident is 9th June, 2020 but till date there is not much progress in the investigation, as there was an application of the mother of the petitioner for transferring of the investigation. There are allegations of police aiding with the petitioner. The said facts are pointer that petitioner if left at large can influence the witnesses. No doubt there is no eye witness, however, that itself cannot be a ground for granting the anticipatory bail. As regards the submission of learned counsel for the petitioner that there is a civil dispute pending between the parties and it is counter blast to the same that the petitioner has been named, cannot be accepted. From the paper book it is evident that the said suit was instituted on 21st May, 2020 and the incident is of 9th June, 2020. There is nothing on record even to show that the defendants were aware of the said proceedings.

No case is made out for granting anticipatory bail.

Accordingly, the present petition is dismissed.

Since the main petition is dismissed, all the civil misc. applications have been rendered infructuous.

17th September, 2020
sham

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>