

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

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CRM-M No.34208 of 2020

DATE OF DECISION : 28th OCTOBER, 2020

Navjeet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

=====
In virtual Court
=====

Present : Mr. Digvijay Nagpal, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.150 dated 12.10.2020 registered under Section 304 IPC at Police Station Bahavwala, District Fazilka.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. The deceased has died because of electrocution while attempting to repair a fault on the live line of the Punjab State Power Corporation Limited (in short, the Electricity Corporation). The petitioner is only about 19 years of age. He has nothing to do with the maintenance of the lines or the grid of the Electricity Corporation. The said line was in the charge of another person, namely, Amarjit Kumar Tulli. Even as per the allegations of the prosecution, the petitioner had taken the deceased on his motorcycle to

the spot where the fault of the electricity line was to be repaired. There is no allegation beyond that. Hence, the offence under Section 304 IPC cannot be alleged against the petitioner. The petitioner will join the investigation. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Randhir Singh Thind, DAG, Punjab, accepts notice on behalf of the State.

The learned State Counsel, being instructed by ASI Davinder Singh, has submitted that, in fact, the father of the petitioner is working as private contractor for the repair of the grid lines of the Electricity Corporation. The petitioner is also involved in the electricity work. It is the petitioner who had taken the deceased for repair work on the fateful day. Hence, the petitioner is liable for the death of the deceased. However, it is not disputed that the petitioner is only 19 years of age and he has no responsibility or concern with the maintenance of the grid lines of the Electricity Corporation. It is also not disputed that there is no allegation against the petitioner, except that he had taken the deceased to the spot on his motorcycle. There is no allegation that the petitioner ever forced the deceased to climb on the live line and even that without safety gears.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating

Officer. However, it is further directed that 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.

28th OCTOBER, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No