

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

CRM-M-37184-2020(O&M)

Date of decision : 11.11.2020

Gurpiar Singh @ Raju and another

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. H.S. Mann, Advocate for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioners in FIR No.217 dated 18.08.2020 under Sections 306/34 of Indian Penal Code, 1860 registered at Police Station Kotbhai, District Sri Muktsar Sahib.

The present FIR has been registered on the statement of Lakhwinder Singh @ Manga, since deceased, who alleged that he was a labourer and about one month ago, Kukki, Gand Singh, Raju Singh and an Orthopedic doctor Sikander, who runs a clinic at bus stand, came to his house in the night and gave beatings to him and his family members. The matter was, thereafter, compromised with the intervention of the Panchayat. But Kukki, who had an evil eye on his wife, Rajvir Kaur, used to threaten him and his family members. Fed up with the continuous threats, he along with his family members shifted to the house of his sister residing at Bathinda.

On 05.08.2020 at about 03.00 p.m. the complainant, since deceased, is alleged to have gone to his village to collect his belongings where Kukki, Gand Singh sons of Joga Singh, Raju Singh son of Amar Singh and doctor Sikander Singh surrounded him and threatened that they would bring his wife, Rajvir Kaur, back forcefully and they further extended threats to kill him. Being unable to tolerate the insult and due to the harassment meted out to him, he is alleged have come to his house and consumed pesticide spray.

Learned counsel for the petitioners has contended that the petitioners have falsely been implicated in the present case and the main accused Kukki had already been arrested. It is further the contention of learned counsel for the petitioners that the petitioners have no role to play in the present case.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG, Punjab, who has joined the session through video conferencing, accepts notice on behalf of the respondent-State and, on instructions from ASI Jagdish Singh, he has stated that in the present case the complainant (since deceased) consumed the pesticide spray due to the continuous harassment being meted out to him by the accused.

I have heard learned counsel for the parties.

In the present case, the FIR has been lodged on the basis of the dying declaration of Lakhwinder Singh, who is alleged to have consumed pesticide spray due to the continuous harassment being meted out by the accused. The petitioners, in the present case, have specifically been named

by the complainant, since deceased. That being so, I do not deem this to be a fit case for grant of anticipatory bail to the petitioners. Accordingly, the present petition is dismissed.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

11.11.2020

Yogesh Sharma

**(ALKA SARIN)
JUDGE**

**NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO**