

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

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CRM-M-50523-2019

Date of Decision: 13.01.2020

Harwinder Singh

... Petitioner

vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Sr. Deputy Advocate General, Punjab.

Mr. Inderjit Sharma, Advocate
for the complainant.

VIVEK PURI, J.(ORAL)

The petitioner prays for grant of anticipatory bail in case FIR No.61 dated 19.09.2019 registered at Police Station Sekhwan, Police District Batala, District Gurdaspur.

The present FIR has been registered on the basis of statement of Malwinder Singh alleging that on 18.09.2019, at about 6:30 p.m., the petitioner alongwith Manpreet Singh, Manjot Singh and 4/5 unknown persons came near his house on a tractor and started playing loud music and raising Lalkaras. The complainant tried to stop them and the assailants entered in his house and started scuffle with him. Kailash Kaur, the mother of the complainant tried to intervene. She suffered a push blow, fell down and became unconscious. An alarm was raised and the assailants slipped away from the spot. Kailash Kaur was taken to Civil Hospital, Batala, where she was declared brought dead.

Mr. Inderjit Sharma, Advocate has put in appearance on behalf of the complainant and filed his vakalatnama.

On 28.11.2019, the following order was passed:-

“Learned counsel for the petitioner refers to photographs Annexure P-2 to submit that on 18.9.2019, the petitioner was elsewhere at the relevant time and his name has been wrongly included in the FIR.

Notice of motion for 13.1.2020.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 9.12.2019 at 10.00 a.m. and cooperate therewith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his compliance of the conditions enshrined under Section 438(2) Cr.P.C.”

It has been stated by the learned counsel for the petitioner that the petitioner has joined the investigation in terms of order dated 28.11.2019. Furthermore, co-accused, namely, Manpreet Singh and Manjot Singh, have already been granted bail vide orders dated 19.12.2019 and 06.12.2019 respectively, passed by this Court. Copies of the bail orders pertaining to co-accused, namely, Manpreet Singh and Manjot Singh have been placed on record.

On the contrary, it has been contended by learned State counsel and counsel for the complainant that in the supplementary statement of the complainant and statement under Section 161 Cr.P.C of Nirmal Kaur, wife of the complainant, it has been specified that Manjot Singh has raised lalkara, the present petitioner had caught hold the deceased and Manpreet Singh had given a push, as a result whereof, she fell down. It has been further stated that the cause of death has been stated to be failure of functions of brain as a result of compression of brain due to head injury which was sufficient to cause death in an ordinary course of nature.

Learned State counsel, on instructions from SI Harjeet Singh, has not disputed the fact that the petitioner has joined the investigation and the co-accused have been granted bail.

The petitioner or other assailants were not armed with any weapon and no injury has been attributed to the petitioner. The role assigned to the petitioner is to the effect that he had caught hold the deceased and restricted her movement. The push was given by Manpreet Singh, who has already been granted pre-arrest bail by this Court.

In these set of circumstances, the order dated 28.11.2019, vide which the petitioner was granted interim bail, is made absolute.

Disposed of.

13.01.2020
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(VIVEK PURI)
JUDGE

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