

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

CRM-M-437-2021 (O&M)

Date of decision: 07.01.2021

Sukhjit Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Achin Gupta, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No. 119 dated 01.08.2019, registered under Sections 325, 323, 34 IPC (later on Section 308 IPC was added and now again Section 304 IPC is added), at Police Station Sadar Faridkot, District Faridkot.

Learned counsel for the petitioner submits that the petitioner was granted regular bail by this Court, vide order dated 24.01.2020, but Section 304 IPC was added by the investigating agency on 01.08.2020 even after the presentation of the challan.

It is a case, in which Gursewak Singh (since deceased) was a

Conductor with a bus bearing registration No. PB-13L-7107 and on 18.07.2019 in the bus itself, an argument took place between Gursewak Singh and petitioner-Sukhjot Singh, whereupon the petitioner had given a kick blow on his stomach and Gursewak Singh had fallen down from the bus and received multiple injuries on his head, due to which he had died. The petitioner had a suspicion that the deceased had illicit relations with his wife. Except for Section 304 IPC, the petitioner was released on regular bail vide order dated 24.01.2020 and has never misused the concession of bail.

Notice of motion.

On the asking of this Court, Mr. Randhir Singh Thind, DAG Punjab, accepts notice on behalf of the respondent-State and does not dispute the fact that the petitioner has never misused the concession of regular bail and Section 304 IPC was added subsequently.

I have heard the learned counsel for the parties.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds merit in this petition and the same is allowed. The petitioner is directed to join the investigation as and when called upon to do so and if he is sought to be arrested, he shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this

order, the petitioner does not cooperate with the investigating agency, the investigating agency would be liberty to move an appropriate application for cancellation of bail.

07.01.2021

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Whether reportable?

Yes/No

Yes/No