

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

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CRM-M-23442-2021 (O&M)

Date of Decision: 08.11.2021

Paramjeet Kaur & another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. D.S.Khurana, Advocate, for the petitioners.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Pargat Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.0016 dated 17.02.2021 at Police Station Khuian Sarwar, District Fazilka, under Sections 304/34 IPC.
2. The FIR in question was lodged at the instance of Kulwinder Kaur, wherein she has alleged that their land abuts the fields of Mahinder Singh, who has constructed his house in the fields. On 17.02.2021, when the complainant alongwith her husband Kishan Singh and Harjit Singh went to their fields, her husband started working in the fields. At about 9:00-9:15 AM, they heard cries of her husband and saw that her husband had been electrocuted with the barbed wire. When the complainant and her brother-in-law Harjit Singh raised alarm, then Mahinder Singh and his son Gurmeet Singh came out of their house and upon seeing that the complainant's

husband had been electrocuted, they switched off the electric supply to the barbed wire. However, the complainant's husband died due to electric shock. Even on earlier occasions, some stray dogs had died on account of electrocution with barbed wire and regarding which they had lodged their complaints with Mahinder Singh and Gurmeet Singh, but to no avail.

3. Learned counsel for the petitioner has submitted that petitioner No.1 - Paramjeet Kaur is wife of Mahinder Singh and petitioner No.2 – Gurmeet Singh is his son. It has been submitted that it is Mahinder Singh, who is owner of the land in question, where the barbed wire had been installed and at best, it is Mahinder Singh, who could be held responsible for the electrocution and not any other member of his family. It has further been submitted that in any case the petitioners have joined investigation and challan already stands presented.
4. Opposing the petition, learned State counsel upon instructions has submitted that since the petitioners are members of the same family and in fact Gurmeet Singh was also present at the spot, no case for grant of bail is made out. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioners have since joined investigation and are not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case particularly bearing in mind the fact that it is the co-accused

Mahinder Singh, who is owner of the fields where barbed wire had been installed and while also noticing that the petitioners have since joined investigation and challan stands presented, the instant petition deserves to be accepted. Consequently, the petition is accepted and the interim directions issued by this Court vide order dated 18.06.2021 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

08.11.2021

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**