

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-41400-2021 (O&M)

Date of Decision:- 8.10.2021

Mohinder Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Davinder Singh Khurana, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Lekh Raj.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 16, dated 17.2.2021, Police Station Khuian Sarwar, District Fazilka, under Section 304/34 IPC.
2. The FIR was lodged at the instance of Kulwinder Kaur wherein it is alleged that along with their fields, about the fields of Mahinder Singh, where he has constructed his house as well. On 17.2.2021 when she along with her husband Kishan Singh and her nephew Harjit Singh were present in their fields and were working there, then

at about 9/9.15 am, they suddenly heard cries of her husband who had received an electric shock from barbed wire. Upon hearing his cries, Mahinder Singh and Gurmeet Singh came out from their house and upon seeing the complainant's husband electrocuted, they switched off the electricity supply to the barbed wire. The complainant has alleged that even on earlier occasions some stray dogs had died due to electrocution and although she and her husband had objected to the same and had asked Mahinder Singh, his son and his wife not to supply electricity to the barbed wire, but to no avail.

3. Learned counsel for the petitioner has submitted that there was no intention whatsoever for causing death of the complainant's husband and that it was in fact to prevent stray animals from damaging the crops that the barbed wire had been put and that the electricity supply was perhaps an accident. Learned counsel has further submitted that the petitioner in any case is an aged person being 70 years old and deserves the concession of bail as the co-accused Gurmeet Singh has already been ordered to be released on interim bail vide order dated 18.6.2021.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. It has however, been informed that the petitioner has been behind bars since the last about 7 months and that he is not involved in any other case.
5. Having regard to the facts and circumstances of the case and while noticing that the petitioner has been behind bars for a substantial

period of 7 months and conclusion of trial is likely to take time, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8.10.2021

Mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No