

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

- (1) CRM-M-42071-2020 (O&M)
- Kashmir Singh
Versus
State of Punjab
- ...Petitioner

...Respondent
- (2) CRM-M-43549-2020 (O&M)
- Gursewak Singh
Versus
State of Punjab
- ...Petitioner

...Respondent
- (3) CRM-M-916-2021 (O&M)
- Kulbir Singh @ Rana
Versus
State of Punjab
- ...Petitioner

...Respondent

Date of decision: 19.02.2021

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

By this order, the aforementioned petitions are decided being arising out of the same FIR. Petitioners Kashmir Singh and Gursewak Singh have filed petitions No.CRM-M-42071-2020 and CRM-M No.43549-2020 respectively under Section 438 Cr.P.C., for grant of anticipatory bail, whereas, petitioner Kulbir Singh @ Rana has approached this Court by way of filing petition CRM-M-916-2021 seeking regular bail, all of them being accused in FIR No.58 dated 05.06.2020, for offences under Sections 304 and 34 IPC, registered with Police Station Khanauri, District Sangrur.

Briefly stated the prosecution story is that, criminal machinery in this case was set into motion by complainant Manpreet Singh son of Jeet Singh, resident of Naya Gaon, District Sangrur, aged about 32 years, who in the statement got recorded with the police, narrated that on 05.06.2020, at about 8.00 AM, while he along with his father Jeet Singh was working in their fields, then Kashmir Singh son of Kandhara Singh along with his son Gursewak Singh and brother Rana Singh, residents of Khang, District Patiala came there and addressing his father stated that one kila of land which he had sold to them and he should give them passage adjoining to it, otherwise, they would cultivate the land of passage also; an altercation took place; Gursewak Singh pushed Jeet Singh, due to which he fell down on the ground and died; the complainant raised alarm at which the assailants ran away; on being taken to hospital, Jeet Singh was declared dead; after registration of the FIR, the investigation in the case started; accused Kulbir Singh was arrested in this case.

Accused Kublir Singh had moved an application for grant of regular bail, whereas, other two accused, namely Gursewak Singh and Kashmir Singh had filed petitions for grant of pre-arrest bail before the Court of Sessions at Sangrur, but, were unsuccessful. As such, petitioner/accused Kashmir Singh and Gursewak Singh have knocked at the door of this Court seeking anticipatory bail, by way of filing separate petitions whereas, petitioner Kulbir Singh has also filed a petition for regular bail before this Court. Notices of such petitions have been given to the State, which has put in appearance through State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that it is a case of no injury and as per report of the medical board, the cause of death was failure of left ventricular, myocardial congestion and chronic heart disease and the death was opined to be on account of natural cause. He has further contended that a false FIR has been registered against the accused for the reason that before his death, the deceased had sold one acre of land to Smt. Sukhjit Kaur wife of Kashmir Singh and the complainant in order to get the said land back has lodged the FIR against the present accused. Gursewak Singh being aged 17 years is a juvenile. Both Kashmir Singh and Gursewak Singh have joined the investigation in terms of the directions issued to them by this Court. No recovery is to be effected from them. Therefore, their petitions be accepted and they be granted pre-arrest bail.

With regard to Kublir Singh, learned counsel for the

petitioner states that he is behind bars for about 02 months and 21 days; the investigation is still going on; its completion, filing of challan and conclusion of the trial shall take considerable time, therefore, he be also granted regular bail.

Ld. State counsel, on instructions from ASI Gurdev Singh has admitted that Kashmir Singh and Gursewak Singh have joined the investigation, further stating that since no recovery is to be effected from them, therefore, their custodial interrogation is not required.

Under the circumstances, I find it proper and appropriate to allow the petitions for grant of pre-arrest bail filed by Kashmir Singh and Gursewak Singh. The same are accordingly allowed. The interim bail granted to the petitioner Kashmir Singh, vide order dated 18.12.2020 in CRM-M-42071-2020 and to Gursewak Singh, vide order dated 23.12.2020 in CRM-M-43549-2020, is made absolute, subject to the following conditions:-

1. that the petitioners shall make themselves available for interrogation by a police officer as and when required;
2. that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
3. that they shall not leave India without prior permission of the Court.
4. that they shall surrender their passports before the Investigating Officer and if they are not having passport, then, shall file the affidavits in that regard.

As far as the petition for regular bail by Kulbir Singh @ Rana is concerned, the same is also allowed, in view of the detailed discussion above and that the case is still at the stage of investigation, the

completion of which may take some time and then on filing of challan, the conclusion of trial is also likely to take considerable time; the guilt of the accused is to be determined during the trial, therefore, his further detention is not going to serve any useful purpose, more so, when the co-accused has been granted the concession of pre-arrest bail. Petitioner Kulbir Singh @ Rana is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Sangrur, subject to the following conditions:-

- (i)he shall appear in the Court on each and every date of hearing;
- (ii)he shall not give any threat or intimidation to the prosecution witnesses;
- (iii)he shall not indulge in any criminal activity;
- (iv)he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard;

In case, the petitioners violate any terms & conditions, on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

19.02.2021

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(H.S. MADAAN)
JUDGE

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