

202-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8807-2020

Date of decision-31.01.2022

Sukhpal Singh

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Kanwar Pahul Singh, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.156 dated 26.08.2019 under Sections 304 and 34 Indian Penal Code, 1860 and Section 21 Mines and Minerals (Regulation of Development) Act, 1957 and Section 3 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Ajnala, Amritsar, who apprehends his arrest at the hands of Police.

On 28.02.2020, this Court had passed the following order:-

“Through instant petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to petitioner – Sukhpal Singh – in case FIR No.156 dated 26.08.2019 registered under Sections 304, 34 IPC, Section 21 of the Mines and Minerals (Regulation of Development) Act, 1957 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Ajnala, Amritsar. According to prosecution, son of complainant died while working with the petitioner due to his negligence. Learned counsel inter alia contends that petitioner has falsely been implicated in the instant case. He did not ever act negligently. Co-accused of the petitioner, namely, Jugraj Singh has been granted interim bail and permitted to join investigation by this Court vide order dated 27.02.2020 passed in CRM-M-8436 of 2020. Even otherwise, parties have compromised the matter. Thus, petitioner is

not required for custodial interrogation. Treating the case of the petitioner on the same parity as that of his co-accused, he may also be granted concession of anticipatory bail.
Notice of motion for 21.05.2020.
Treating the case of the petitioner on the same parity as that of his aforesaid co-accused, he (Sukhpal Singh) is directed to join investigation as and when called by the Investigating Officer. In the event of arrest, he shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. He shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C. To be heard along with CRM-M-8436 of 2020.”

Learned counsel for the petitioner has argued that the victim was a labourer who was working in a pit when large piece of rock fell upon him and resulted in his death. According to him, in compliance of the order dated 28.02.2020, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by ASI Ranjit Singh states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 28.02.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

31.01.2022

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