

103+208 THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20980-2021(O&M)

Date of decision-22.04.2022

Jitender

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Khatkar, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

CM-14466-2022

Prayer in this application is for placing on record Annexures
P-4 to P-7.

For the reasons mentioned in the application, the same is
allowed. Annexures P-4 to P-7 are taken on record.

CRM-M-20980-2021

Petitioner has approached this Court under Section 438 Code of
Criminal Procedure to seek anticipatory bail in case FIR No.17 dated
20.01.2020 under Section 120-B, 193, 200, 420 of Indian Penal Code, 1860
registered at Police Station Uchana, District Jind, who apprehends his arrest
at the hands of Police.

Learned counsel for the petitioner has argued that victim
Shamsher died in a vehicle accident and in this regard a case FIR No.18
dated 17.01.2018 was registered under Section 279, 304-A IPC at Police
Station Uchana, District Jind on the basis of complaint given by Ishwar and

after completion of investigation final report was filed against the accused Veerbhan who was driving the offending vehicle. Learned counsel has argued that when the trial of the said case FIR No.18 was pending, the police registered the present case on 20.01.2020, upon a complaint given by the Manager of National Insurance Company, who alleged that the natural deaths are being converted into accidental deaths falsely to claim compensation and the death of the victim Shamsheer was not accidental and he died a natural death being a cancer patient. He submits that the petitioner is being implicated only on this ground that the vehicle driven by Veerbhan is owned by him.

Learned counsel has brought the attention of the Court to the postmortem report (Annexure P-6) relating to the death of Shamsheer and submitted that the victim had suffered multiple injuries including fractures of ribs and as per the opinion of the doctor also, he died of shock & haemorrhage because of the injuries noticed. He has argued that the stand of the police relating to death of Shamsheer is concerned, that he died natural death is falsified by their own documents relied upon in case FIR No.18. He submitted that the petitioner has already joined investigation pursuant to the order dated 26.05.2021 and that the other co-accused have already been released on pre-arrest bail, also he deserves the similar concession.

Mr. Bhupender Singh, learned State counsel assisted by ASI Kulbir Singh vehemently opposed the prayer, who has argued that the petitioner is actively involved in commission of crime and is part of the

conspiracy who provided his vehicle to the said accused. Now, according to him, the trial in said case FIR No.18 abated because of death of the accused, but he submits that the claimants had withdrawn their claim petition filed under Motor Vehicles Act 1988 upon registration of this case. He submits that the custodial interrogation of the petitioner is necessary to unravel the truth, particularly the manner in which the accused have procured this false postmortem report. However it is not disputed that the same is given by the doctors and they have been shown as witnesses in the final report submitted in case FIR No.18 dated 17.01.2018.

After hearing learned counsel for the parties, considering the background, it is clear that in respect of death of Shamsher, the prosecution is following two different conflicting lines of investigation in two FIRs and the grounds raised for the custodial interrogation of the petitioner are not worth acceptance. As the police is free to examine and associate doctors in investigation, if, so required and the other co-accused have already been granted the concession of pre-arrest bail from this Court, therefore, without expressing any opinion, the present petition is allowed and the interim bail granted by this Court vide order dated 26.05.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

22.04.2022
neelam

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