

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-43666-2022

Date of decision : 27.10.2022

Sukhwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Manuj Nagrath, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.55 dated 17.04.2022 registered under Sections 302, 201 and 120-B IPC at Police Station Samrala, District Ludhiana.

On 21.09.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the petitioner has not been named in the FIR, although two persons namely Amrik Singh and Jaspreet Singh have been specifically named in the FIR and that the petitioner was neither present at the time of alleged occurrence nor was apprehended at the spot. It is further submitted that no complaint has been moved by any family members of the deceased Avtar Singh and even as per the secret information received by the police officials, it was Amrik Singh and Jaspreet Singh, who were the persons who had killed Avtar Singh by running a tractor over him and thereafter, in connivance with their associates, they cremated the dead body of Avtar Singh. It is contended that the petitioner has no motive to kill

the deceased and as on date, even the reason for cause of death is unknown. It is further contended that the petitioner alongwith a large number of villagers had attended the cremation and it is on the basis of said fact, that the petitioner has been implicated in the present case i.e., after a delay of two days. It is further argued that the petitioner is not involved in any other case.

Notice of motion for 26.09.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned State Counsel is directed to file a status report by way of an affidavit detailing incriminating material against the present petitioner, on the basis of which, he is sought to be arrayed as an accused in the present case.

To be heard alongwith CRM-M-32469-2022.

21.09.2022 (VIKAS BAHL)
JUDGE”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Baldev Singh, has stated that the petitioner has joined the investigation and is not required for further investigation and has submitted the status report. As per the said status report, it has been stated that Amrik Singh, the main accused, had confessed that he had killed his uncle Avtar Singh by running the tractor over him with the help of his cousin Jaspreet Singh. The name of the petitioner has not been mentioned as a person who had participated in the said incident, regarding killing of Avtar Singh. In paragraph 9 of the said status report it has been stated that no disclosure statement of the said main accused has been written. In paragraph 10 it has been written that the

Investigating Officer as per the orders passed by this Court. The allegation as per the reply against the petitioner is to the effect that the petitioner had participated in the cremation and thus, had helped the main accused in destroying the dead body.

Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner had no motive to kill the deceased and even the cause of death of the deceased is not known till date. It is submitted that as per the status report, it has not been stated that there was any witness who had even seen that the petitioner was also present at the time of cremation and at any rate, his presence at the time of cremation would not be a factor to implicate the present petitioner. It is stated that no recovery has been effected from the present petitioner and the petitioner is ready to fully further cooperate in the investigation. It is also stated that none of the family members of the deceased had made any complaint with respect to death of Avtar Singh.

Keeping in view the above said facts and circumstances, the present petition is allowed and the interim order dated 21.09.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

October 27, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No