

CRM-M-28941 of 2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28941 of 2023
Date of Decision:02.06.2023.

Santokh Singh @ Gola

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Gobind Singh Randhawa, Advocate
for the petitioner.

Mr. Dhruv Dayal, Addl. A.G., Punjab.

Mr. Sandeep Godara, Advocate
for the complainant.

VIKRAM AGGARWAL, J. (ORAL)

1. Prayer in the present petition preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') is for the grant of pre-arrest bail in case FIR No.026 dated 19.03.2023, under Sections 304, 427 of the Indian Penal Code, 1860 (for short the IPC), registered at Police Station Sekhwan, Police District Batala, District Gurdaspur.

2. On a complaint submitted by one Swaran Singh, the present FIR was registered. It was alleged that on 19.03.2023, an altercation had taken place between the complainant side which consisted of Swaran Singh, Jasbir Singh and some other family members on the one hand and the present petitioner, co-accused Sukhmandeep Singh and some other persons on the other hand. However, the said matter was resolved. Thereafter, on the same day, in the afternoon, while Jasbir

Singh was coming on a motorcycle, Sukhmandeep Singh and the present petitioner

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Santokh Singh @ Gola started following him. The present petitioner, who was the pillion rider gave a kick blow to the motorcycle of Jasbir Singh, as a result of which Jasbir Singh struck into a Scorpio vehicle and died.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. It has been contended that there is a CCTV footage which shows that two clean shaven persons were following Jasbir Singh, whereas the present petitioner and Sukhmandeep Singh are not clean shaven persons. Learned counsel submits that because of the dispute between the parties, the present petitioner has been falsely implicated. It has been contended that the petitioner is willing to join investigation and abide by any condition imposed by this Court.

4. I have considered the submissions made by learned counsel for the petitioner.

5. Admittedly, on Jasbir Singh expired on 19.03.2023 after having been crushed by a Scorpio vehicle. Complainant-Swaran Singh claims to have witnessed the incident, wherein he alleged that co-accused Sukhmandeep Singh and the present petitioner were coming on a motorcycle, when the present petitioner gave a kick blow to the motorcycle and the motorcycle struck into a Scorpio vehicle as a result of which Jasbir Singh died. The driver of the Scorpio vehicle is also stated to have given a statement stating this very fact. The CCTV footage is not of the place of incident, but is said to be of some different place far away from the place of incident. Learned counsel representing the State of Punjab, who is present on advance notice having been served has submitted the aforestated fact on instructions from ASI Nirmal Singh, who is present in Court.

6. The allegations are very serious. In the considered opinion of this Court, custodial interrogation of the petitioner would be imperative to elicit the

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In view of the above, I do not find any merit in the present bail application and the same is accordingly dismissed.

June 02nd, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.