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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29753-2023

Date of Decision: 06.06.2023

Sukhchain Singh

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present Mr. Satbir Singh Gill, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

SANJAY VASHISTH, J.(Oral)

1. Petitioner-Sukhchain Singh, who is 22 years of age and has filed the instant petition seeking anticipatory bail under section 438 Cr.P.C. in case FIR No.61, dated 28.04.2023, under sections 304/337/338/427 IPC (201/511 IPC added later on) registered at PS Sadar Dhuri, District Sangrur, during the pendency of the investigation.
2. Counsel for the petitioner submits that as per the allegations leveled by the complainant-Ranjit Singh, who is real brother of Sukhdeep Singh, an Endeavour car bearing registration no.PB 13 BG 3232 being driven by Harvir Singh (already known to the complainant) came from Dhuri side in a very high speed and with an intention to cause injuries hit against the motorcycle which was driven by complainant's brother Sukhdeep Singh. Said motorcycle was also boarded by Supinderjit Kaur, who was related as sister-in-law (Bhabi) of the complainant.

3. Mr. Satbir Singh Gill, learned counsel for the petitioner, contends that as per the case of the prosecution, in striking of Endeavour car with the motorcycle driven by Sukhdeep Singh, no role has been attributed against the petitioner.

Subsequently, complainant's brother Sukhdeep Singh and sister-in-law Supinderjit Kaur expired due to the injuries suffered by them in the said incident. Consequently, FIR for committing an offence under sections 304/337/338/427 IPC (201/511 IPC added later on) was registered.

4. Counsel for the petitioner further contends that name of the petitioner is revealed out by the complainant in his supplementary statement dated 08.05.2023, which is after 12 days of the incident and in that statement his role is confined to the extent that he helped in hiding/concealing the Endeavour Car bearing registration no.PB 13 BG 3232.

Further submits that as per the allegations, petitioner-Sukhchain Singh who came over the spot by driving a tractor reached after happening of the incident, and thus is liable for committing an offence under section 201 of IPC only. However, later on, said tractor was searched out and thus the allegation against the petitioner is of committing an offence under section 201 read with section 511 IPC.

5. Learned State counsel, Mr. Joginder Pal Ratra, Sr. DAG, Punjab, after getting instructions from ASI Harvinder Pal Singh, submits that the investigation is in process and till now the allegation against the petitioner is only of reaching the spot later and then to help in concealing the Endeavour car driven by the main accused (Harvir Singh) which was recovered later on.

6. On being asked by the Court in specific, learned Sr. DAG, Punjab clarifies that no role is attributed to the petitioner for committing of any offence except offence under section 201 and 511 IPC. It is also informed to the Court that petitioner is not involved in any other case and is a young boy of age of 22 years.
7. After hearing the arguments addressed by both the sides and perusing the record available, I am of the view that once there is no allegation against the petitioner and his involvement in causing the main incident/occurrence in any manner, only offence, as also confirmed by the learned State counsel, made out against the petitioner is punishable under section 201 read with section 511 IPC.
8. In view of the reasons recorded above, the petition is **allowed**.
9. Consequently, petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC.
10. Disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

June 06, 2023

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1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No