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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM M - 36706-2023
Date of decision: 31.07.2023

*Jagtar Singh and another**.....Petitioners**Versus**State of Punjab and anr**.....Respondents***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Sahil Khunger, Advocate
for the petitioners

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Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioners in case FIR No. 40 dated 16.05.2023, registered under Sections 304 and 34 of the Indian Penal Code, at Police Station Laddowal, District Ludhiana (Annexure P1).

It is submitted by counsel for the petitioners that case against the petitioners is totally false and concocted. The petitioners are not involved in the crime as alleged against them. Even as per the allegations of the prosecution, there was no head injury to the deceased. As per the medico legal report of the deceased, the cause of death is shown to be due to brain hemorrhage. Therefore, death of the deceased is not attributable to any of the act of the petitioners. Nothing is to be recovered from the petitioners. All other co-accused of the petitioners have already been granted concession

of anticipatory bail. Hence, the petitioners deserve to be protected against their arrest.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General Punjab accepts notice on behalf of the respondent - State. Mr. Gaurav Rana, Advocate accepts notice on behalf of the complainant.

Counsel for the State being assisted by counsel for the complainant and, on instructions from SI Gurmeet Singh, has submitted that the petitioners are the main accused in the case who started the fight. However, counsel for the State has not been able to dispute that the cause of death, which as per the medico legal report, is due to brain hemorrhage. Counsel for the complainant has also not disputed the fact that the death was not attributable to any of the act of the petitioners directly; and that all other co-accused have already been granted concession of anticipatory bail.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioners be released on bail, subject to their furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioners 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.

(Rajbir Sehrawat)
Judge

July 31, 2023

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