

2023:PHHC:134424

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-43558 of 2023
Date of Decision: 16.10.2023

Saurav Kumar @ Baba

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

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

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.72 dated 25.05.2022 registered under Sections 302, 34 and 201 IPC at Police Station G.R.P. District Ludhiana.

2. As per the case of the prosecution, the FIR in the present case was registered by Satpal Singh son of Mota Singh resident of Rajjewal, Police Station Ladhowal, District Ludhiana. As per him, his son Harvinder Singh @ Happy was working on daily basis in Forest Department, Ludhiana and on 17.05.2022, he returned home from his duty at about 05.30 p.m. in the evening and on the same day, at about 07.30 p.m., went back by saying that he would return home after 03 hours of night duty, but did not return home on that night. At about

08.30 a.m. on 18.05.2022, Ravinder Singh son of the complainant informed him that the dead body of Harvinder Singh @ Happy was lying near the railway track between Jassian bridge at Railway Station, Ladowal, Ludhiana. On getting this information, the complainant alongwith his other family members reached at the accident site and saw the dead body of his son Harvinder Singh @ Happy, which had suffered many injuries including a deep injury on the back of the head. He shifted the dead body of Harvinder Singh @ Happy with the help of his family and on next day, i.e., 19.05.2022, the postmortem was conducted at Civil Hospital Ludhiana. However, due to the shock of death of his son, he did not make a statement against any one. However, later on, he came to know from nearby people that Sohan Kumar @ Baba, Akhilesh Partap Singh @ Shubham and Deepak @ Kaua, who used to commit snatching incidents near the railway line, had killed his son Harvinder Singh @ Happy while making loot from him. With these broad allegations, the FIR in the present case was got registered by the complainant on 25.05.2022.

3. A short reply by way of an affidavit of the Superintendent of Police (Investigation), GRP, Ludhiana, has been filed on behalf of the respondent-State.

4. Learned counsel for the petitioner contends that deceased Harvinder Singh @ Happy was a drunkard and had died due to

railway accident on the night intervening 17/18.05.2022 and the dead body was discovered on the next day on the railway track. Even, in the proceedings under Section 174 Cr.P.C., it was found to be the cause of death due to railway accident. As per the postmortem report (Annexure P-2) as well, the police had provided the information to the doctor that the deceased had died due to railway accident. Even as per the doctor, who had conducted the postmortem examination, the injuries were ante-mortem in nature and were sufficient to cause death in ordinary course of nature. It was further opined that keeping in view the blackish grease marks on the clothes, body injuries, depth of injuries and site of the injuries, it could be result of railway accident. Learned counsel for the petitioner further submits that the similarly placed co-accused Akhilesh Partap Singh @ Shubham @ Murda was granted the concession of regular bail by this Court vide order dated 08.08.2023 passed in CRM M-37740 of 2023 (Annexure P-3).

5. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner alongwith his other co-accused had committed the murder of Harvinder Singh @ Happy and did not deserve the concession of bail. However, he does not dispute the fact that the similarly placed co-accused has already been granted the concession of regular bail by this Court.

6. I have heard learned counsel for the parties and perused the record.

7. *Prima-facie*, as per the medical opinion, it has been found to be a case of accident caused by the rail and similarly placed co-accused has already been granted the concession of regular bail by this Court vide order dated 08.08.2023 passed in CRM M-37740 of 2023 (Annexure P-3).

8. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

16.10.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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