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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M 48997-2023
Date of Decision October 11, 2023*Darshan Singh**.....Petitioner**versus**State of Punjab**...Respondent***Coram Hon'ble Mr. Justice Rajbir Sehrawat**

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Present: Mr. Ashish Gupta, Advocate for the petitioner

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Rajbir Sehrawat, J. (Oral)

1) 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 petitioner in case FIR No. 118 dated 09.08.2023, registered under Sections 323, 341, 506, 148 and 149 of the Indian Penal Code (Section 304 IPC added later on, vide DDR No. 19 dated 14.08.2023), at Police Station Jaitu, District Faridkot.

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the petitioner is not attributed any injury to the deceased and has only been shown to be present at the spot when the deceased was giving beatings by the other assailants. Moreover, no specific cause of death has been pointed out relating to the injuries suffered by the deceased. Rather, the medico legal report shows that the death occurred due to *cardiovascular arrest*.

Hence, the invoking of Section 304 IPC in the case is without any basis. The petitioner shall join the investigation as and when called for by the police.

Hence, the petitioner deserves to be protected against his arrest.

3) Notice of motion.

4) Mr. Sandeep Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent – State.

5) It is submitted by counsel for the State, being instructed by ASI Jagsir Singh that the petitioner was a member of the group of persons, who jointly caused injuries to the deceased. The son of the petitioner had caused injuries to the deceased with an iron rod whereas, the petitioner armed with baseball bat gave beatings to the deceased. Therefore, the petitioner cannot be said to be not involved in the crime as such. The investigation of the case is at the initial stage. The police need custodial interrogation of the petitioner to unearth the true dimensions of involvement of the petitioner in the crime. Therefore, the petitioner does not deserve to be protected against his arrest.

6) Keeping in view the facts and circumstances available on the file of the case, as well as, the above said submissions made by counsel for the State, this Court does not find it appropriate to interfere in the matter, so as to grant concession of bail to the petitioner.

7) Dismissed.

(Rajbir Sehrawat)
Judge

October 11, 2023
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No