

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-28249-2024  
Reserved on: 05.08.2024  
Pronounced on: 30.08.2024

Abhi @ Abroon ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jagdish Singh Mahal, Advocate  
for the petitioner.

Mr. Malkiat Singh, D.A.G., Punjab.

Mr. B.B.S. Randhawa, Advocate  
for the complainant.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                                                | Sections       |
|---------|------------|---------------------------------------------------------------|----------------|
| 0031    | 04.04.2024 | Fatehgarh Churian, Police District Batala, District Gurdaspur | 304/506/34 IPC |

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“4. That, it is humbly submitted that the brief facts of the case are that the present FIR has been registered in the wee hours of 04.04.2024 upon the statement of complainant Lovepreet Kaur on the allegations that her husband had given certain amount to petitioner/accused Abhi and accused Bittu @ Gurdev Singh who were working as travel agents on their inducement that they would send him abroad on work permit. However accused Bittu had sent him to Dubai on tourist visa for which he had to return back to India. Therefore on 03.04.2024, at about 9:30 PM, the complainant along with her husband and father Nishan Singh went to the house of accused where all the accused were present. When they asked them to return their money, all the aforesaid accused

*including the present petitioner/accused pushed Nishan Singh on the ground due to which he started having trouble in breathing. As per the allegations of the complainant, thereafter accused Abhi gave punch blow in the chest of Nishan Singh and told that it did not matter to him if Nishan Singh would die. Thereafter all the accused also started threatening them that if they would again demand their money back, they would also be eliminated. Since condition of Nishan Singh deteriorated, they took them to Civil Hospital Fatehgarh Churian and the accused also followed them to the hospital in their separate Car. However when the doctors declared Nishan Singh to be brought dead, the accused left the hospital after leaving behind their Car. As per the contents of the FIR, the complainant has stated that she had got the FIR registered after delay as she was waiting for her relatives.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

**“A) Role of the petitioner**

*That, when deceased had come to their house along with complainant and her husband to demand their money back, the accused/petitioner along with other co-accused pushed the deceased on ground and his co-petitioner/accused Abhi gave punch blow in chest of Nishan Singh due to which he collapsed. Admittedly he was declared being brought dead by the concerned hospital. As per the copy of the postmortem report of Nishan Singh, the cause of death has not yet been given and it is rather mentioned that the same can only be ascertained after receiving HPE and report of chemical examination. However the probable time between the injury and death is stated to be of few minutes. The investigation in this FIR is not only about the cause of death of Nishan Singh but it is also likely to revolve around the alleged previous transaction regarding sending husband of the complainant to the foreign country and the subsequent dispute which led to the alleged occurrence. If granted the bail, there is every likelihood that the accused may hamper or interfere in the investigation and may not cooperate in the same because a person under pre-arrest bail may not disclose all the relevant facts under questioning due to the safeguard provided to him while granting anticipatory bail.*

**B. The evidence against the petitioner:**

*As per the statement got recorded by Lovepreet Kaur complainant at the time of registration of the case to the effect that when she and deceased had come to the house of accused to demand their money back, all the accused along with the petitioner/accused pushed the deceased on ground and the petitioner/accused gave punch blow in chest of Nishan Singh due to which he collapsed. Admittedly he was declared being brought dead by the concerned hospital.”*

7. The petitioner's punch was the primary cause of the victim's death, and there are eyewitnesses to the said punch by the petitioner on the chest of the deceased, after which he fell.

8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

10. **Petition dismissed.** All pending applications, if any, are disposed of.

**(ANOOP CHITKARA)**  
**JUDGE**

30.08.2024  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.