

2024:PHHC:162197



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204 CRM-M-49759-2024 (O&M)
Date of decision: 03.12.2024

Harwinder Singh @ Gaggu ...Petitioner
Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Y.S. Dhaliwal, Advocate for the petitioner.
Mr. Kanav Singla, AAG, Punjab.

FIR No.	Dated	Section/s	Police Station
06	17.02.2023	302, 379, 34 IPC and Sections 4(1) and 21(1) of Mines and Minerals (Regulation) Act, 1957.	Handesra, District SAS Nagar.

VIKAS SURI, J.

- The petitioner has filed the present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of anticipatory bail in the above captioned FIR.
- Learned counsel for the petitioner refers to order dated 30.11.2023 passed in CRM-M-49938-2023 (Annexure P-1) to contend that that petitioner was granted regular bail by this Court. The petitioner has not misused the concession of bail. It is submitted that earlier the petitioner was kept in column No.2 of the challan and he has been



nominated in the present FIR by filing supplementary challan under Section 379 IPC and Sections 4(1) and 21(1) of the Mines and Minerals (Regulation) Act, 1957 (for short 'the Act'). It is further submitted that now after filing of supplementary challan, vide order dated 18.05.2024, charge has been framed against the petitioner along with his co-accused namely, Jaswinder Singh @ Kala, Gurjit Singh @ Jita, Husanpreet Singh, Sandeep Singh and Varinder Singh for offences punishable under Section 302, 379, 34 IPC and Sections 4(1) and 21(1) of the Act.

2.1 Learned counsel for the petitioner submits that since supplementary challan against the petitioner was presented only under Section 379 IPC and Sections 4(1) and 21(1) of the Act and as to whether the offence punishable under Section 302 IPC is made out or not against the petitioner would be a moot point to be decided during the course of trial. The investigation is complete. The petitioner is regularly appearing before the trial Court after being granted the benefit of regular bail. Therefore, custodial interrogation of the petitioner is not required in any manner. The petitioner undertakes to appear on each and every date of hearing during the trial. Hence, the petitioner be granted the concession of anticipatory bail as well.

3. *Per contra*, learned State counsel has opposed the petition and has filed status report by way of affidavit dated 12.11.2024 in the Court today. The factual aspect has not been disputed. It is submitted that motorcycle, which was used in the commission of offence, was found to be registered in the name of petitioner.



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

5. Considering the fact that during the investigation, involvement of the petitioner in running the tractor over Gurcharan Singh, thereby crushing him and causing his death did not come on record and the petitioner has not been challaned under Section 302 IPC, though, the charge stands framed against the petitioner vide order dated 18.05.2024, under Section 302, 379, 34 IPC and Sections 4(1) and 21(1) of the Act; the petitioner is already facing the trial, therefore, no useful purpose would be served by putting him again behind bars.

6. Accordingly, without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is directed to surrender before the trial Court within two weeks from today and on his doing so, he shall be admitted to bail to the satisfaction of the trial Court.

7. It is made clear that the petitioner shall not influence the trial or prosecution witnesses in any manner directly or indirectly. The petitioner would regularly appear before the trial Court and will not seek unnecessary adjournments, lest the same would be construed as misuse of concession of bail.

December 03, 2024

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(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No