

(2013) 03 P&H CK 0139

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-6471 of 2013 (O and M)

Jagsir Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: March 8, 2013

Citation: (2013) 4 RCR(Criminal) 161

Hon'ble Judges: Mehinder Singh Sullar, J

Bench: Single Bench

Advocate: Kashmir Singh, ASI, for the Respondent

Judgement

Mehinder Singh Sullar, J.

Petitioner Jagsir Singh son of Karamjit Singh has preferred the instant petition for the grant of anticipatory bail, in a case registered against him, by means of FIR No. 14 dated 21.1.2013 (Annexure P1), on accusation of having committed the offences punishable under sections 307 and 506 IPC by the police of Police Station Dirba, District Sangrur, invoking the provisions of section 438 Cr.P.C. Notice of the petition was issued to the State.

2. After perusing the record with the help of Investigating Officer and considering the entire matter deeply, to my mind, the present petition deserves to be accepted in this regard.

3. The prosecution claimed that on 20.1.2013, as soon as, complainant Sandeep Singh son of Gurjiwan Singh was talking with Jagvir Singh and Gurwinder Singh in front of the house of Jagvir Singh (place of occurrence), in the meantime, petitioner Jagsir Singh came on his Bolero car, bearing registration No. PB-13-AA-301 from the side of Bassiarth. It was claimed that he accelerated his vehicle and hit the motorcycle of complainant. As a result of impact, the complainant sustained injuries. No other overt-act, or weapon or specific role is attributed to the petitioner. In that eventuality, whether the provisions of section 307 IPC are attracted or not, would be a moot point to be decided during the course of trial by the trial Court.

4. Moreover, during the course of preliminary hearing, the following order was passed by this Court on 26.2.2013:-

Learned counsel, inter-alia, contended that if the allegations of the prosecution are believed to be true as such even then it is a case of accident but the petitioner has been falsely implicated by the complainant with the connivance of the police by fabricating the injury on his arm.

Heard.

Issue notice of motion to the respondent.

At this stage, Mr. K.S. Aulakh, Assistant Advocate General, Punjab on behalf of the State & Mr. Gopal Singh Nahel, on behalf of the complainant appear & accept notices and seek time to argue the matter.

Adjourned to 08.03.2013 for arguments, at the request of counsel for complainant. Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds in the sum of Rs. 25,000/- to his satisfaction.

5. At the very outset, ASI Kashmir Singh, Investigating Officer, has stated that the petitioner has already joined the investigation and he is no longer required for further interrogation at this stage. There is no history of his previous involvement in any such criminal case. Even since the police has not submitted the final police report (challan) against the petitioner, so, the conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons and taking into consideration the totality of the facts & circumstances, emanating from the record, as depicted here-in-above, the instant petition is hereby accepted and the interim anticipatory bail already granted to petitioner, vide order dated 26.2.2013 is made absolute, subject to compliance of conditions as envisaged u/s 438(2) Cr.P.C. Needless to mention that if the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his anticipatory bail.