

## Kashmir Singh Vs State of Punjab

**Court:** High Court Of Punjab And Haryana At Chandigarh

**Date of Decision:** Aug. 18, 2009

**Acts Referred:** Penal Code, 1860 (IPC) â€” Section 302, 34

**Citation:** (2010) 6 RCR(Criminal) 1829

**Hon'ble Judges:** Rakesh Kumar Jain, J

**Bench:** Single Bench

**Advocate:** S.P.S. Sidhu, Sandeep Arora, for the Appellant; Ranbir Singh Rawat, AAG, Punjab, for the Respondent

**Final Decision:** Allowed

### Judgement

Rakesh Kumar Jain, J.

The petitioner has applied for anticipatory bail in complaint case no.178/4 dated 24.9.2007 titled as Harbans Singh

v. Harjit Singh and others under Sections 302/364/34 IPC pending in the Court of JMIC Khanna.

2. The petitioner has been summoned vide order dated 23.12.2008. He applied for anticipatory bail before the Court below which was dismissed

on 8.6.2009 by the Additional Sessions Judge, Ludhiana.

3. Leaned counsel for the petitioner has argued that Pritpal Singh (deceased) committed suicide on 30.4.2006 and his father Gurbax Singh

reported the matter to the Police Station Sadar, Khanna District Ludhiana vide DDR No.32 dated 2.5.2006. During investigation viscera of the

deceased was sent for chemical examination. The doctor opined that he had consumed ""Aluminium Phosphide Insecticide"" and Ethyle Alcohol was

also found present. The complainant got examined Dr. N. P. S. Virk as CW3 who had conducted post mortem of the deceased and according to

him, there was no injury on the person of the deceased. The investigation was conducted by DSP Balwant Singh and up to the rank of SSP,

wherein it was concluded that it was a case of suicide. Initially Gurbax Singh, father of the deceased, was not satisfied with the investigation and

had moved higher Police officers. Again detailed investigation was conducted by SP (D) Khanna, who submitted his report on 23.1.2007 and

concluded that it was a case of suicide. Thereafter, father of the deceased approached this Court by way of Crl. M. No. 59688-M of 2006 for

handing over the case to some independent private agency. This Court marked the enquiry to the Crime Branch. Thereafter, Gurkirpal Singh,

Superintendent of Police, Special Crime Branch, also investigated the case and submitted a detailed report that it was a case of suicidal death. It is

further submitted that father of the deceased again approached this Court by way of CrI.M.No.17936-M of 2006 for handing over the

investigation to CBI but the said petition was dismissed.

However, the present complainant Harbans Singh, who is not related to the deceased, without disclosing the fact that this Court was already seized

of the matter, filed the present complaint in which the petitioner along with others have been summoned.

4. While issuing notice of motion, the Court had directed the petitioner to appear before Summoning Court and shall be released on interim bail.

5. Counsel for the petitioner further submitted that the petitioner has appeared before Summoning Court and has already been released on interim

bail.

6. Counsel for the petitioner has vehemently argued that his case is similar to that of Jatinder Singh (co-accused) who has already been granted

anticipatory bail by this Court in CrI.M.No.5752 of 2009 (O&M) on 30. 3. 2009.

7. On the other hand, learned counsel for the complainant has vehemently argued that the complainant was an eye witness as he had over heard all

the four accused who were talking that they would kill Pritpal Singh by giving him Sulphos tablets. He had also seen the said Pritpal Singh lying tied

down in their car but earlier he could not come forward due to fear but as his conscious continuously teased him, therefore, regardless of the

consequences, he had filed the complaint. It is submitted that in this case a young person has been killed by the petitioner along with co-accused

therefore, bail should not be granted.

8. I have heard learned counsel for the parties.

9. As per complaint (Annexure P-1), similar allegations have been levelled against all the four accused which includes Jatinder Singh, Malkit, who

has already been granted anticipatory bail by Hon"ble Mr.Justice K.C.Puri on. 30. 3. 2009. The order passed by this Court is reproduced as

under:

Jatinder Singh - petitioner has applied for grant of anticipatory bail in complaint case No.178/4 dated 24.9.2007 titled as Harbans Singh v. Harjit

Singh and others, under Sections 302/364/34 IPC pending in the Court of JMIC, Khanna.

The name of the petitioner cropped up for the first time on 13.7.2007 i.e. after more than 1 year and 2 months. It is a complaint case. The

complainant is Harbans Singh, who has stated that he has last seen the deceased in company of the petitioner. He has disclosed the fact after 1

year and 2 months. The crime branch of the police department has conducted enquiry and name of the petitioner does not figure.

So in my view, it is a fit case to allow the application.

Consequently, the application stands allowed. Bail to the satisfaction of the trial Court.

10. Since the allegations against all the accused are similar, therefore, on the point of parity, order passed by this Court dated 11.6.2009 is hereby

made absolute.

The petition stands disposed of.