
(2009) 08 P&H CK 0254

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM M-16392 of 2009

Kashmir Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Aug. 18, 2009

Acts Referred:

- Penal Code, 1860 (IPC) - 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 Crl.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 Crl.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.