

Sukhdev Singh, and anr. Vs. State of Punjab, and anr.

Sukhdev Singh, and anr. Vs. State of Punjab, and anr.

SooperKanoon Citation : sooperkanoon.com/916696

Court : Punjab and Haryana

Decided On : Dec-01-2010

Judge : Mehinder Singh Sullar, J.

Acts : Indian Penal Code (IPC) - Section 302, 120B read with 34; Code of Criminal Procedure (CrPC) - Section 438

Appeal No. : CRM No.M-25150 of 2010

Appellant : Sukhdev Singh, and anr.

Respondent : State of Punjab, and anr.

Advocate for Def. : Mr.Jaspreet Singh; Mr.L.S.Padda, Advs.

Advocate for Pet/Ap. : Mr.R.K.Arya, Adv.

Judgement :

1. Petitioners Sukhdev Singh son of Kundan Singh and Sukhwinder Singh alias Chhindu, have applied for grant of anticipatory bail in a complaint case filed against them, vide complaint (Annexure P1), on accusation of having committed the offences punishable under sections 302 and 120-B read with section 34 IPC, invoking the provisions of section 438 Cr.PC,

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and after considering the entire matter deeply, to my mind, the present petition deserves to be accepted in this context.

4. What is not disputed here is that there is no direct evidence against the petitioners on record. The version in the complaint is solely based on circumstantial evidence. Kundan Singh, father of the deceased, did not raise any accusing finger towards the petitioners at the time of inquest proceedings and stated that his son died due to accidental electrocution when he was in a process of putting off the light of the tube well. There is a considerable and unexplained delay in filing the complaint against the petitioners. Moreover, original complainant Sandeep Kaur had died and the present complainant, who is prosecuting the complaint, has entered into compromise with the petitioners, vide compromise deed dated 25.10.2010. Since it is a complaint case, so, nothing is to be recovered from the petitioners.

5. So, taking into consideration the fact that the parties have compromised the matter and totality of other facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of the trial of the case, to me, the present petitioners are entitled to anticipatory bail in the obtaining circumstances of the instant case.

6. Consequently, it is directed that in the event of their arrest, the petitioners shall be released on anticipatory bail on their furnishing bail and surety bonds in the sum of Rs.10,000/- each to the satisfaction of Arresting Officer, subject to the conditions that (i) they shall make themselves available for interrogation by the Investigating Agency as and when required; (ii) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and (iii) they will not leave India without prior permission of the trial Court.

7. Needless to state that in case, the petitioners do not cooperate or join the investigation, the prosecution would be at liberty to move an application for cancellation of their bail, in this relevant connection.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com