

CRM-M-31526-2023

AVATAR SINGH V/S STATE OF PUNJAB

Present: Mr. Anil Bansal, Advocate
for the petitioner.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, seeking grant of anticipatory bail to the petitioner in case bearing FIR (Annexure P-1):-

FIR No.	Dated	Police Station	Section
0020	03.02.2023	Kotwali Nabha, District Patiala	306 IPC

Counsel for the petitioner contends that the allegations levelled against the petitioner are false as the petitioner, who is working as a Ward Attendant, a Group-D post, was not in a position to get the salary of the deceased, reduced. By referring to the definition of abetment in Section 107 IPC and by placing reliance upon the judgment of Hon’ble Supreme Court in **S.S.Chheena Vs. Vijay Kumar Mahajan and another 2010(12) SCC 190**, counsel contends that essential ingredients of abetment are not satisfied. Still further, he submits that although the petitioner has been named as an accused in the FIR and his name also figures in the video recording of the deceased but that itself is not enough to attract the offence under Section 306 IPC.

Notice of motion.

On asking of the Court, Mr. Arun Luthra, DAG, Punjab accepts notice on behalf of respondent-State.

List on 11.09.2023.

Meanwhile, the petitioner shall join the investigation on 26.07.2023 at 10.00 a.m., at Police Station Kotwali Nabha, District Patiala and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

July 06, 2023
savita

(SUVIR SEHGAL)
JUDGE