

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.27689 of 2015

Date of Decision:-18.11.2015

Sanjeev Sharma & Anr.

.....Petitioners.

Versus

Union Territory, Chandigarh.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Sunil Panwar, Advocate for the Petitioners.

Mr. A.S. Sullar, Advocate for U.T., Chandigarh
along with SI Rohtash Kumar.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioners namely Sanjeev Sharma and Rony Sharma in case FIR No.355 dated 15.7.2015 for offence punishable under Section 304 of Indian Penal Code and later added Section 302 of Indian Penal Code and Section 3 (2) (V) of SC & ST Act (Prevention of Atrocities) 1989 registered with Police Station Manimajra, Chandigarh.

It is submitted that from the documents of the case file appended herewith as P1 to P4, it is apparent that the deceased Rohtash, driver of the complainant's car was suffering from severe chest pain for 2-3 days prior to the date of occurrence of a minor incident of scuffle involving road rage. It is further submitted that even as per MLR and inquest

proceedings under Section 175 Cr.PC, cause of death was heart attack, however, the complainant with a malafide intention in connivance with the police has registered aforesaid FIR with false allegations.

Learned Counsel for the U.T., assisted by SI Rohtash Kumar not only graciously admits the folly of the agency but also apologize on their behalf for including the offence under Section 302 IPC as also the other offences, keeping in view the facts of the case. He further states that the petitioners have joined investigation and their custodial interrogation is no longer required.

In view of the above, interim protection/pre-arrest bail granted vide order dated 20th of August, 2015 is made absolute.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

November 18, 2015
Vinay