

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No.M-3070 of 2015
Date of Decision:27.02.2015**

Arshad

.....Petitioner

Versus

State of U.T.Chandigarh

....Respondent

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. G.S.Kaura, Advocate for the petitioner.

Mr. Gautam Dutt, A.P.P. For U.T. Chandigarh.

Mr. G.S.Shahpuri, Advocate for the complainant.

LISA GILL J. (ORAL)

Petitioner prays for grant of bail pending trial in FIR No.136, dated 14.05.2014, under Section 304 IPC, registered at Police Station Sector 36 Chandigarh.

As per the prosecution version the deceased was with the petitioner in 'Rain Basera', Bus Stand, Sector 43, Chandigarh. She was taken to Government Hospital, Sector 16, Chanidgarh by him and got admitted. She however, passed away. As per the record death is due to poisoning.

Learned counsel for the petitioner contends that the petitioner is falsely implicated in this case. In fact, he was in a relationship with the deceased. When she felt unwell, it is the petitioner who took her to the hospital for treatment. In case he had given poisonous substance to her, there is no question of him taking

steps for her medical treatment. Petitioner is in custody since 14.05.2014 and the challan/report under Section 173 Cr.P.C. has been filed. No useful purpose would be served by keeping him in custody.

Learned counsel for the State-U.T. Chandigarh, on instructions from S.I. Jai Bhagwan, verifies that the challan/report under Section 173 Cr.P.C. in this case has been filed, charges have been framed and the trial is in progress. There are total nineteen witnesses, out of whom one has been partly examined. There is no other case in which the petitioner is involved. It is further submitted that a DNA Test report is awaited to find out whether rape was committed upon the deceased or not. Learned counsel for the State is however unable to deny that the charge against the petitioner is under Section 304 IPC only and not 376 IPC.

Petitioner has been in custody since 14.05.2014 and the trial is not likely to conclude in the near future. He is not involved in any other case.

Keeping in view the facts and circumstances as narrated above but without expressing any opinion on the merits of the case it is considered just and expedient to allow this petition. Consequently, the petitioner shall be released on bail subject to his furnishing bail bond and surety bond, to the satisfaction of the trial Court.

February 27, 2015
Manoj Bhutani

(LISA GILL)
JUDGE

