

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-312 of 2015

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Date of decision:20.1.2015

Seema Thakur

.....Petitioner

v.

U.T. Chandigarh

.....Respondent

....

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Gautam Dutt, standing counsel for the respondent-U.T.
Chandigarh.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.379 dated 12.9.2014 registered for the offences under Sections 306 and 304-B IPC at Police Station Sector 11, Chandigarh.

It is also stated in the petition that the petitioner has already been granted anticipatory bail for the offence under Section 306 IPC by the Court of learned Additional Sessions Judge, Chandigarh, vide order dated 19.9.2014 (Annexure-P.2) and she prays for concession of anticipatory bail to the newly added offence punishable under Section 304-B IPC.

Notice of motion has been issued in this case.

Mr. Gautam Dutt, learned standing counsel has put in

appearance on behalf of the respondent-U.T., Chandigarh and contested this petition.

I have heard learned counsel for the petitioner and learned standing counsel appearing for the respondent-U.T., Chandigarh and have gone through the record.

From the record, I find that in the present case, petitioner Seema Thakur has already been granted anticipatory bail vide order dated 19.9.2014 passed by learned Additional Sessions Judge, Chandigarh for the offence under Section 306 IPC. Seema Thakur is stated to be 'Jethani' of the deceased. Now on the same facts, the challan has been presented for the offences under Sections 306 and 304-B IPC and charges have been framed. The petitioner is apprehending her arrest for the offence under Section 304-B IPC. She has already been granted anticipatory bail on the same facts for the offence under Section 306 IPC. No useful purpose will be served by sending the petitioner to custody for the offence under Section 304-B IPC.

Further more, the petitioner has already appeared before the Court as she was directed to appear before the trial Court and she has been ordered to be released on interim bail as per order passed by this Court on 8.1.2015.

As the challan has already been presented, the petitioner is not required for any interrogation and investigation purposes. She has only to appear before the trial Court to face the trial.

Keeping in view the facts and circumstances of the present

[3]

case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 8.1.2015 passed by this Court is made absolute.

January 20, 2015.

(Inderjit Singh)
Judge

hsp