

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

**CRM-M-41369 of 2015
Date of Decision: 11.12.2015**

Sanjeev Goyal and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate
for the petitioners.

Mr. Daljit Singh Virk, AAG, Punjab.

Mr. Gautam Dutt, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioners seek bail pending trial in FIR No. 64 dated 21.7.2015 under Sections 304-B/406/302/34 IPC (Offences under Sections 304-B/302/406 IPC were deleted and offences were converted to Sections 306/34 IPC, registered at Police Station Cantt Bathinda, District Bathinda.

Learned senior counsel for the petitioners places reliance on order dated 1.12.2015 passed by this Court in CRM-M-39168 of 2015 (Puneet Goyal Vs. State of Punjab) whereby co-accused of the petitioners was granted the concession of bail pending trial. He further submits that petitioners are the parents-in-law of the deceased. After conclusion of the investigation, investigating agency

has submitted its report under Section 173 (2) Cr.P.C., only for an offence under Section 306 IPC. He would next contend that once the story put forth by the complainant in the FIR has not been found to be correct by the investigating agency itself, petitioners are also entitled for the bail pending trial. To substantiate his arguments, learned senior counsel for the petitioners also places reliance on Annexure P-2. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Darshan Singh, as well as learned counsel for the complainant submit that since charge is yet to be framed against the petitioners, they are not entitled for bail pending trial. Learned counsel for the complainant submits that in fact present one is a clear case of Sections 304-B as well as 302 IPC but it is the investigation agency, who has conducted tainted and defective investigation. They pray for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances obtaining in the case, noted hereinabove, petitioners have been found entitled for bail pending trial.

It is so said because a combined reading of Annexures P-2 and P-3 would show that petitioners, being parents-in-law, did not play any role as alleged against them. Annexures P-2 and P-3 would speak in favour of the petitioners and against the deceased. Medical opinion given by the doctor is not being commented upon at this

stage, lest it should prejudice the rights of either of the parties. Further, since the prosecution evidence is yet to start, conclusion of trial will take some time.

In view of the above and without commenting any further on the merits of the case, lest it should prejudice the case of either side, at a later point of time, instant petition is allowed. Petitioners are directed to be released on bail pending trial on their furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

11.12.2015
Ak Sharma