

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

CRM No.M-6583 of 2015 (O&M)

Date of decision: 03.03.2015

Ruchita & another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Karan Singh, Advocate for the petitioners.

Mr. N.K. Chopra, DAG, Punjab.

Mr. AGS Dhillon, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in FIR No.61 dated 12.05.2014 under Sections 304/506/120-B IPC (subsequently challan has been filed under Section 304-II) registered at Police Station Kotwali Nabha, District Patiala.

Counsel for the parties have been heard.

It has gone uncontroverted that initially FIR in question was registered under Sections 304/506/120-B IPC. The present petitioners had duly joined investigation. After investigation having been completed, the challan has been presented and offence under Section 304-II has been cited. That has necessitated the filing of the instant petition under Section 438 Cr.P.C. at the hands of the petitioners.

The deceased in the present case is a lady by the name of Navnish Goyal. Even though, counsel for the complainant would oppose the

prayer made in the present petition by stating that there are direct allegations as regards the petitioners having pushed the deceased which resulted in her falling down and thereby causing her death, yet it stands conceded that as per chemical examination report, the cause of death has been opined to be Myocardial Infraction.

The issue as to whether offence under Section 304 (II) is made out would be a moot question to be gone into during the trial. It is not a case of any recovery to be effected from the petitioners.

Under such circumstances, custodial interrogation of the petitioners would not be warranted.

Petition is allowed. The petitioners would duly appear before the trial Court and would be admitted to bail to the satisfaction of the trial Court.

It is, however, clarified that the observations contained in the instant order are only confined insofar as examining the prayer and grant of relief as prayed for in the instant petition filed under Section 438 Cr.P.C. and would not, in any way influence the course of the trial.

Disposed of.

03.03.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**