

CRM-M No. 31927 of 2016

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

CRM-M No. 31927 of 2016

Date of decision : September 14, 2016

Arun Kaistha and others,

..... Petitioners

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. RS Cheema, Sr. Advocate with
Mr. Arshdeep Singh Cheema, Advocate
for the petitioners.

Mr. KS Pannu, DAG Punjab

Ajay Tewari, J (Oral)

The petitioners seek grant of anticipatory bail in case FIR
No.50, dated 21.3.2015, registered under Sections 302/34 of the IPC, at
Police Station Division No.1, Pathankot.

Learned counsel for the petitioners has argued that in this
case an altercation took place at a crowded intersection. The deceased
unfortunately suffered cardiac arrest and passed away. The petitioner,

his son and son-in-law were arrested and were released on regular bail, vide order dated 31.3.2015 (Annexure P-2). Thereafter, the police filed an un-traced report and since the wife of the deceased filed a protest petition, the Court rejected the closure report and took cognizance. Learned counsel for the petitioners has further argued that in the circumstances of the case, where the petitioner, his son and son-in-law were arrested and later-on released on regular bail, no useful purpose would be served by insisting on custodial interrogation at this stage.

Learned DAG Punjab has argued that when regular bail was granted, it was under the presumption that the case was under Section 304 of the IPC but now the petitioners are being proceeded against under Section 302 of the IPC. Learned counsel for the petitioners has, however, pointed out that these exact arguments were raised when regular bail was granted to the petitioner, his son and son-in-law.

I find this to be correct. In the circumstances, I see no reason to deny the concession of anticipatory bail to the petitioners. The petitioners are directed to appear before the trial Court on 26.09.2016 who shall release them on bail to its satisfaction.

The petition stands disposed of.

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No