

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

**CRM-M No.32907 of 2016 (O&M)
Date of decision : 24.09.2016**

Ajaib Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. M.S.Joshi, Advocate
for the petitioners No.1 and 2.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

Mr. G.S.Nahel, Advocate
for the complainant-respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioners in case FIR No.118 dated 30.11.2015 registered under Section 304-B IPC and in alternative Section 302 IPC, at Police Station Lehra, District Sangrur.

The daughter in law of the petitioners No.1 and 2 had died of burning. The petitioners were originally arrested but later on the police found them to be not involved and at that stage they were released from jail. Subsequently an application was filed under Section 319 Cr.P.C. and the trial Court has now summoned them to face trial. It is not disputed that the son of the petitioners No.1 and 2 (and husband of the girl) is in custody.

Learned counsel for the complainant-respondent No.2 has vehemently argued that the petitioners No.1 and 2 were exonerated on an inquiry which was seriously flawed.

Be that as it may, the issue before this Court at this stage is whether the custody of the petitioners No.1 and 2 is required by law once the trial has started. In my opinion, if the complainant-respondent No.2 has any reservations about the original investigation he would be at liberty to seek remedies in respect thereof but at this stage it would not be in the interest of justice to subject the petitioners No.1 and 2 to custody since they have been released on bail earlier.

Resultantly, the petition is allowed. Let the petitioners No.1 and 2 surrender before the trial Court who will release them on bail pending trial to its satisfaction.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

24.09.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No