

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM No. M-7316 of 2015 (O&M) Date of Decision: 25.04.2016
Jagdish Chand & another --Petitioners

Versus

State of Punjab --Respondent

2. CRM No. M-7943 of 2015 (O&M)

Vijay Kumar & another --Petitioners

Versus

State of Punjab --Respondent

3. CRM No. M-8314 of 2015

Bal Mukand & others --Petitioners

Versus

State of Punjab --Respondent

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

Present:- Mr. Ravish Bansal, Advocate for the petitioners.

Mr. D.S. Virk, A.A.G., Punjab.

Mr. A.G.S. Dhillon & Mr. Vivek Gupta,
Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of CRM No. M-7316 of 2015 (Jagdish Chand & others Vs. State of Punjab), CRM No. M-7943 of 2015 (Vijay Kumar & another Vs. State of Punjab) and CRM No. M-8314 of 2015 (Bal Mukand & others Vs. State of Punjab) as these three connected petitions have been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners therein in case F.I.R. No.61 dated 12.5.2014 under sections 304, 506, 120-B I.P.C, registered at Police Station, Kotwali Nabha, District Patiala, wherein challan under Section 173 Cr.P.C has been presented under section 304 Part-II I.P.C.

Briefly, it may be noticed that deceased is a lady by the name of Navnish Goyal. Allegations in a nutshell are with regard to the petitioners

having pushed the deceased which resulted in her falling down and thereby causing her death.

It has gone uncontroverted that as per chemical examination report the cause of death has been opined to be myocardial infraction.

During the course of hearing today, learned State counsel has filed an affidavit dated 25.4.2016 of the I.G.P., Crime, Bureau of Investigation, Punjab and the same is taken on record.

In the affidavit a positive stand has been taken that the case has been investigated by the S.H.O., Police Station, State Crime, S.A.S. Nagar under the supervision of the deponent. Affidavit further reveals that as per report furnished in pursuance to the investigation statements of both the parties have been recorded and even a report from the Board of Doctors was obtained. It has been concluded that deceased Navnish Goyal was not pushed by anybody on the date of occurrence and as per report of the Board of Doctors Navnish Goyal had died due to heart attack. Investigating Officer has accordingly recommended cancellation of the F.I.R in question.

Learned State counsel, who is upon instructions from SI Randhir Singh apprises the Court that the recommendations with regard to cancellation of the F.I.R have been accepted by the competent authority and a cancellation report would be filed in due course before the competent court.

In the light of the circumstances noticed herein above, prayer made in these three connected petitions, is accepted. Order dated 17.3.2015 passed in CRM Nos. M-7316 & 7943 of 2015 and order dated 19.3.2015 passed in CRM No. M-8314 of 2015, are made absolute.

It is, however, made clear that grant of concession of anticipatory bail to the petitioners herein and disposal of these petitions would not be construed as an opinion of this Court on the merits of the case as also as a stamp of approval with regard to cancellation of the F.I.R.

Petitions are disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.04.2016
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