

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

CRM-M-9009-2016 (O&M)
Date of decision : 09.11.2016

Naseeb Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by HC Harpal Singh.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in FIR No.11 dated 13.02.2016, registered under Section 304 of the Indian Penal Code, at Police Station Sardulgarh, Distt. Mansa.

Heard.

On 15.03.2016, the following order was passed:-

“Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.11 Dated 13.02.2016 for offence punishable under Section 304 IPC registered with Police Station Sardulgarh, District Mansa, Punjab.

As per the allegations of the complainant, his wife was taken for a delivery to the hospital of the petitioner Gill Nursing Home and negligence of the present accused resulted into the death of unborn child in the womb.

It is contended that the complainant had removed his wife against the medical advice and taken her to another hospital where a dead child was delivered. It is submitted that

although there was consent form signed, even otherwise the allegations is only of negligence and, therefore, no offence under Section 304 IPC is made out.

Notice of motion for 02.05.2016.

Till the next date of hearing, in the event of arrest, petitioner shall be released on interim bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer. Petitioner shall appear before the IO as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.PC.”

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 15.03.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

09.11.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No