

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

**Crl. Misc. No. M-11663-2017
Date of decision : 25.05.2017**

Jasmandeep Singh

....Petitioners

versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Bansal, Advocate, for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab

Mr. Aminder Singh, Advocate
for the complainant.

RITU BAHRI, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner, in a case arising out of F.I.R No. 14 dated 10.02.2016 under Sections 406/498-A IPC (now added Section 307 IPC), registered at Police Station Women Cell, Ludhiana.

Brief facts of the case are that the petitioner was already released on regular bail vide order dated 11.08.2016 granted by the Court of learned JMIC Ludhiana and now respondent-police added Section 307 IPC in the 3rd inquiry by which the petitioner again filed application for grant of pre-arrest bail before learned Sessions Judge, Ludhiana, which was dismissed vide order dated 30.03.2017.

Learned counsel for the petitioner contends that once in the two inquiries conducted by the respondent-police, petitioner was found innocent

and no offence under Section 307 IPC was made out, subsequently on the third application filed by the complainant, Section 307 IPC should not have been added. Nothing is to be recovered from the petitioner.

On notice, a reply has been filed by Assistant Commissioner of Police, CAW&C-Cell, Ludhiana on behalf of respondent No. 1 stating therein that on an application filed by the complainant dated 23.02.2016 for addition of Section 307 IPC, a detail enquiry was conducted by DCP (Investigation), Ludhiana (Annexure R-1/T) wherein it was revealed that when the complainant fell ill, then under the garb of treatment, the petitioner had given injection to the complainant for HIV positive with an intention to kill the complainant. When the complainant got her HIV test conducted, then the same was HIV positive, which is a killing disease. Since, the petitioner committed heinous crime, the offence under Section 307 IPC was added.

Learned counsel for the petitioner has referred to order dated 12.01.2009 passed in CRM-M-18244-2008 titled as ***Jaswinder Singh v. State of Punjab and others*** to contend that there are instructions issued by Director General of Police, Punjab on 01.04.2008 to the effect that once enquiry has been held, no further enquiry ought to be held by the police except for the orders given by the Courts and Human Rights Commission or any other statutory body of the State or as envisaged in the instructions issued by the Direction General of Police which say that if inquiry is to be got conducted from officers of outside district/range, then the case be sent

for further inquiry after approval of DGP and the Punjab Government.

In the present case, third enquiry was conducted by senior officer i.e DCP (Investigation, Ludhiana) and he was granted permission to do the enquiry by Commissioner of Police i.,e Statutory body of the State and thus the instructions issued by Director General of Police, Punjab on 01.04.2008 have been fully complied with.

In view of the above factual position, no ground is made out for grant of anticipatory bail to the petitioner.

The petition stands dismissed.

25.05.2017
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>