

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM No. M-36622 of 2016 (O&M)

Date of Decision: 11.05.2017

Rahul Ram Bhao Borsea

--Petitioner

Versus

State of Punjab & another

--Respondents

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

Present:- Mr. Vishal Sharma Haritwal, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

Mr. Himanshu Monga, Advocate for  
Mr. Munish Khanagwal, Advocate for  
the complainant/respondent no.2.

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**TEJINDER SINGH DHINDSA.J**

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in complaint case no.4845 dated 29.5.2013 under sections 302, 34 I.P.C pending in the court of Chief Judicial Magistrate, Bathinda.

On 16.2.2017, the following order was passed by this Court:-

*“The instant petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in a complaint case No.4845, dated 29.05.2013, under Sections 302/34 IPC, pending in the Court of learned Chief Judicial Magistrate, Bathinda.*

*Counsel submits that the deceased is Priya and was wife of the petitioner. It is contended that the deceased had died a natural death on account of an accidental fall in the washroom. Further contended that the matter was inquired into by the policy authorities as also by the army authorities as the petitioner was serving under the defence authorities and it was opined that it was a natural death and the petitioner stands summoned in pursuance to a complaint having been lodged by the father of the deceased. It is also the contention of*

CRM No. M-36622 of 2016 (O&M) -2-

*the counsel appearing for the petitioner that in the criminal complaint filed under Section 302 IPC read with Section 34 IPC, the trial Court has passed the summoning order without even complying with the mandate under Sections 202 and 210 Cr.P.C. Further submitted that the petitioner otherwise is ready and willing to join the trial proceedings.*

*List on 11.05.2017.*

*In the meanwhile, it is directed that in case the petitioner duly appears before the trial Court on the date already fixed i.e. on 03.03.2017, he would be entitled to ad interim protection as regards arrest subject to satisfaction of the trial Court.”*

Counsel for the petitioner would contend that in pursuance to the order dated 16.2.2017 petitioner has duly appeared before the Trial Court and has been admitted to interim bail upon having furnished requisite bail bonds and sureties. Such factual position is not disputed by counsel representing complainant/respondent no.2. That apart, the observations made by this Court in the order dated 16.2.2017 have gone un rebutted.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 16.2.2017, passed by this Court, is made absolute.

Petition disposed of.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**11.05.2017**  
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Whether speaking/reasoned: Yes  
Whether Reportable: No