

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11637-2018 (O&M)

Date of decision: 30.05.2018

Kuldeep Kaur and others

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Prateek Pandit, Advocate
for the petitioners.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

Mr. Raman Singla, Advocate for
Ms. Monita Mehta, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.177 dated 13.09.2016 under Sections 304, 452, 148, 149 IPC, registered at Police Station Kotwali, District Kapurthala.

On 26.03.2018, following order was passed by this Court: -

“Learned counsel for the petitioners submits that the FIR was registered on 13.09.2016 and thereafter, the matter remained under investigation, as an SIT was constituted. Counsel for the petitioners has relied upon the report of SIT submitted by Senior Superintendent of Police, Kapurthala to Deputy Inspector General of Police, Jalandhar Range, Jalandhar, in which, with reference to the report of histo-pathological examination, submitted by Dr. Princejit Singh Sargodhia, Civil Hospital, Kapurthala, who

conducted the post-mortem report, it is opined that the cause of death is coronary heart disease leading to cardiac attack. It is further argued that again, on an opinion with regard to cause of death, it was opined by the aforesaid doctor that “in my opinion the injuries mentioned in the post-mortem report do not contribute directly to the cause of death.” It is further submitted that the report of SIT shows that civil litigation is going on between the parties and on account of the same, the petitioners have been falsely implicated. Counsel for the petitioners has further submitted that even in the FIR, no specific role has been attributed to the petitioners and they are only named as persons to be present on the spot.

Learned State counsel, on instructions from ASI Paramjit Singh, submits that in the post-mortem report, the fracture has been found in the 4th and 5th rib of left side near nipple of the deceased and on receiving opinion of the doctor, the opinion of the DA Legal was obtained and thereafter, the further investigation is going on. It is further submitted that one of the accused namely Manjit Singh has been arrested in the present case/FIR.

Learned counsel for the complainant has also opposed the prayer for bail on the ground that the injuries sustained by deceased Bagga Singh co-relates with the cause of death given in the post-mortem report.

After hearing learned counsel for the parties and considering the fact that the FIR pertains to 13.09.2016 and thereafter, the police itself was obtaining the opinion from the doctor, who conducted the post-mortem as well as was awaiting the histo-pathological examination report and as per report of SIT, the parties are in civil litigation with each other and also in view of the fact that no specific injury has been attributed to the petitioners, the petitioners are directed to appear before the Investigating Officer on 06.04.2018 at 10.00 a.m. or any other date or time as fixed by the Investigating Officer to join the

investigation and they will be released on interim bail on furnishing bail/surety bonds subject to the following conditions: -

- 1. They will make themselves available for interrogation by a police officer as and when required;*
- 2. They will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. They will not leave India without previous permission of the Court.*

List again on 30.05.2018.”

Learned counsel for the petitioners submits that in pursuance of the aforesaid order dated 26.03.2018, the petitioners have joined the investigation and are not required for any further investigation.

Learned State counsel, on instructions from ASI Nirvail Singh, has not disputed the factual position and states that the petitioners are no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 26.03.2018 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

30.05.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No