

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M No.3096 of 2018

Date of decision: 26.3.2018

SANDEEP

.....petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.S.Duhan, Advocate,
for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

Mr.Surender Pal, Advoate
for the complainant.

RAJ MOHAN SINGH, J (oral)

Petitioner seeks grant of anticipatory bail in case bearing FIR No.4 dated 1.1.2018, registered under Sections 302, 201 and 120-B IPC at Police Station City Kaithal, District Kaithal.

On 25.1.2018, following order was passed by this Court:-

“Learned counsel for the petitioner contends that petitioner is sister's son of the complainant- Jagdish whose son Surinder died on 05.04.2017. At the time of death, no suspicion was

raised by anyone and the body was cremated without conducting post-mortem. The cause of death could not be ascertained. The police vide Annexure P-3 found that there is no material for any cognizable offence and the FIR came to be registered only on 01.01.2018 in respect of death which took place on 05.04.2017.

Notice of motion for 26.03.2018.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 30.01.2018 at 11.00 A.M. and in the event of his arrest, he shall be enlarged on ad interim bail, subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Learned State counsel, duly assisted by learned counsel for the complainant and on instructions from SI Satyawar, submitted that though at the time of death, no suspicion was raised by anyone and the dead body was cremated, however cousin of the deceased, Ankit got his statement recorded under Section 164 Cr.P.C. before the Magistrate on 3.2.2018, highlighting incriminating material against the petitioner, who was called by Kusum at her house on 4.4.2017. Petitioner alleged to have brought some sleeping pills

along with him. The case appears to be of circumstantial evidence. The cause of death could not be ascertained. The FIR came to be registered on 1.1.2018 in respect of death which took place on 5.4.2017.

In view of aforesaid, order dated 25.1.2018 is made absolute. However, petitioner shall keep on appearing before the Investigating Officer as and when required to do so and to cooperate in the investigation. In the event of his non-cooperation, the Investigating Officer would be at liberty to seek cancellation of bail in accordance with law.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

March 26, 2018

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Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No