

205-A

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.50158 of 2017
Date of Decision: 01.05.2018

Ashok Kumar Joshi and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Harchand Singh Batth, Advocate,
for the petitioners.

Mr. Luvinder Sofat, A.A.G., Punjab,
for respondent No.1.

Mr. Balram Singh, Advocate,
for respondent No.2/complainant.

SUDIP AHLUWALIA, J. (ORAL)

This is the petition for grant of anticipatory to the petitioners in a Complaint No.COMI/00013/2010, dated 06.05.2010, under Sections 306/506/120-B/34 of the Indian Penal Code, pending in the Court of Ld. Sub Divisional Judicial Magistrate, Phagwara.

2. Death of the victim ostensibly by consuming some pesticide occurred in the year 2008. The complainant filed the private complaint against the accused persons in the year 2010, which was initially dismissed at the preliminary stage three years later. The complainant then preferred revision and the Revisional Court remanded back the matter to the Ld. Trial

Court with a direction to pass a fresh order after further examining CW-5. The Ld. Trial Court thereafter summoned the accused persons vide the order dated 27.01.2017 after holding that there was, *prima facie*, material indicating grounds to proceed with the trial.

3. The same order, however, also refers to a D.D.R. brought on record through the evidence of CW-4, in which the complainant had apparently not held anyone responsible for her husband's death.

4. In this view of the matter, considering that the occurrence took place long ago and there are contradictory versions regarding the same, even though, *prima facie*, it has been found to be a good case to proceed with trial, this Court finds no need for detention of the petitioners.

5. Consequently, the interim bail granted to the petitioners by the Ld. Trial Court is confirmed subject to compliance of the requisite conditions envisaged under Section 438(2) of the Code of Criminal Procedure.

6. Disposed off.

01.05.2018

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No