

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

CRM No.M-9034 of 2018 (O&M)

Date of Decision: July 10, 2018

Sushil Kumar and others

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Anmol Rattan Sidhu, Senior Advocate with
Mr.Pratham Sethi, Advocate
for the petitioners.

Mr.Pawan Sharda, Sr. Deputy Advocate General, Punjab
for the respondent-State.

Mr.S.S.Sidhu, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.19 dated 08.02.2015 under
Sections 302 and 120-B IPC, registered at Police Station Lambi, District Sri
Muktsar Sahib.

Notice of motion was issued. Learned State counsel as well as
learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned
State counsel and have gone through the record.

From the record, I find that two times, the police has filed

cancellation report. The Court below, on protest petition, summoned the present petitioners under Sections 302 and 120-B IPC etc. The perusal of the record shows that as per the complainant's version, she was informed that her mother had died due to heart attack. Bath was given to the dead body and thereafter, it was cremated. It is the case of the complainant that at the time of giving bath to the dead body, two injuries i.e. one of chest and one on back side, were found and she has suspicion on the petitioners.

In the present case, there is no last seen evidence, no extra judicial confession nor any recovery has been effected. Otherwise also, no post-mortem examination was got conducted. If the complainant had the suspicion that injuries were on the dead body, then why the dead body was not sent for post-mortem examination and why the matter was not reported to the police. There is no such explanation. Further, it is not the case of complainant that any blood was found on the cot or on the ground etc. It is stated that some blood stains were there on the clothes.

The petitioners are only to face trial and are not required for custodial interrogation as they have been summoned by the Court in the protest petition. No useful purpose will be served by sending petitioners to custody.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where petitioners are entitled to benefit of grant of anticipatory bail. Therefore, the present petition is allowed. The petitioners are directed to appear before the learned Court concerned within ten days from today and on doing so,

they shall be released on bail by that Court, to its satisfaction

However, nothing stated above, shall constitute my opinion on merits of the case.

July 10, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No