

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-26918-2018 (O&M)
Date of Decision:- 17.7.2019

Aashish Gupta

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.S.Sawhney, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Puran Singh.

Mr. L.M.Gulati, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, petitioner-Aashish Gupta seeks grant of anticipatory bail in respect of a case registered vide FIR No.99, dated 20.4.2018, registered at Police Station Kotwali, District Patiala, under Section 304 IPC.
2. The facts, in nutshell, are that the petitioner was working as a recovery agent with Punjab and Sind Bank. On 3.12.2013, he visited the house of the complainant against whom an amount of ₹ 20 lacs was due. It is the case of the complainant that the petitioner after

reaching his house pushed his mother Sheela Goyal, as a result of which she fell down and died.

3. Learned counsel for the petitioner has submitted that although the occurrence is stated to have taken place in the year 2013, but the FIR came to be lodged in the year 2018. Learned counsel has further submitted that in fact the deceased was not well and that although initially a Board of Doctors had opined the cause of death to be subdural hematoma, which may occur due to accidental fall but the hospital authorities have clarified that in fact Sheela Goyal was admitted in the hospital as a result of hyper tension relating to bleeding in brain on 1.12.2013 and that there was no external injury marks visible from outside. Learned counsel for the petitioner thus submitted that it was in fact the case of natural death and her death cannot be attributed to any conduct on part of the petitioner.
4. Opposing the petition, learned State counsel, assisted by learned counsel for the complainant has submitted that in fact during the course of investigation it had transpired that the bank had not authorized the petitioner to visit the house of the complainant on 30.11.2013. It has further been informed that in fact the petitioner is not an employee of the bank but the bank had hired services of one private company namely M/s Money Plant, for mobilizing recovery process. It has further been submitted that in fact the petitioner all through has been influencing and tampering with the investigation and that the subsequent report of the doctor i.e. report dated 25.6.2018, wherein the doctor has opined that the deceased had been

admitted as a case of hyper tension, clearly shows that the same is a maneuvered report when in fact a Board of Directors had given a finding, way back in the year 2014, that the death had occurred due to subdural hematoma.

5. I have considered rival submissions addressed before this court. Bearing in mind the fact that the occurrence had taken way back in the year 2013 and that the cause of death would certainly be mootable given the kind of evidence which has been collected by the police and while noticing that that it is not a case where anything is to be recovered from the petitioner so as to justify his custodial interrogation, the petition, as such, is accepted and the interim directions issued vide order dated 29.6.2018 are made absolute subject to the condition that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. The present petition stands accepted accordingly.

July 17, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No