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

CRM-M-16689 of 2019

Date of decision: May 16, 2019

Gagandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. T.S. Dhillon, Advocate for the petitioner.

Mr. C.L. Pawar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner, in FIR No.87 dated 13.10.2018, under Section 316 of Indian Penal Code, 1860, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

On 11.04.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that complainant was admitted successively in four different hospitals i.e. Khera Hospital, Fatehgarh Sahib; Civil Hospital, Fatehgarh Sahib; Kapur Nursing Home, Sirhind and lastly in Government Medical College & Hospital, Sector 32, Chandigarh, where she delivered a child, but unfortunately, was found dead. Further contends that no injury has been attributed in this case and remaining all three co-accused i.e. Gurnam Singh, Paramjit Kaur and Vivekvir (parents as well as brother, respectively, of the petitioner) have already been granted the concession of pre-arrest bail by the Sessions Court.

Notice of motion for 16.05.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from police official who has come to assist him has submitted that petitioner has joined investigation in terms of order dated 11.04.2019 and his custodial interrogation is not required.

In view of the above, order dated 11.04.2019 granting interim bail to the petitioner, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

May 16, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**