

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

205

CRM-M-17848-2019 (O & M)
Date of Decision:30.05.2019

Dr. Ramesh Kumar Goel

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.S. Chahal, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

Mr. Ravi K. Mattoo, Advocate for the complainant.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.10 dated 09.01.2019 under Section 304-A IPC (offence 304 IPC added lateron), registered at Police Station Civil Lines, Patiala, District Patiala. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 22.04.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the allegations levelled by the complainant, namely, Rajwinder Singh are not worth believing as in the FIR it is recorded that the reputation of the doctor is good. It is pointed out that Sahara Hospital Patiala was the fourth medical treatment destination of the daughter of

complainant where the surgery was conducted on 10.09.2018. The only allegation against the petitioner is his own alleged extra judicial confession before the complainant himself that he has committed a mistake. According to him, originally the FIR was registered for the offence punishable under Section 304-A IPC and subsequently offence under Section 304 was added.

Notice of motion for 30.05.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel on instructions from ASI Shivdev Singh opposed the prayer and has contended that the custodial interrogation may be justified in the present case. However, considering the nature of the allegation and the facts already noticed in the order dated 22.04.2019, this Court does not find that the custodial interrogation of the petitioner would be justified.

Considering above, the petition is allowed and the interim bail

granted by this Court vide order dated 22.04.2019 is made absolute.

However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

30.05.2019

sheetal

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No