

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

265

CRM-M-19020-2019(O&M)
Date of Order:17.05.2019

Nikku Bharti and another

..Petitioners

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manuj Nagrath, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab

ANIL KSHETARPAL, J(Oral)

Learned counsel for the State does not disputes the correctness of the contentions raised by learned counsel for the petitioners as noticed in order dated 29.04.2019 which is extracted as under:-

“Learned counsel appearing for the petitioners contends that the petitioners were granted concession of regular bail and the prosecution as well as defence evidence was completed when the court amended the charge by including offence under Section 302 IPC in addition to Section 304 IPC. He submits that in such circumstances, custodial interrogation of the petitioners would not be required.

Notice of motion for 17.05.2019.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to

furnishing personal bonds and surety to the satisfaction of the trial court. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

I have heard learned counsel for the parties at length and with their able assistance gone through the paper book.

In the considered view of this court, once the prosecution as well as defence evidence has been completed, merely because charge has been amended to include offence under Section 302 IPC, would not be sufficient to deny bail to the petitioners.

In view thereof, the order dated 29.04.2019, is made absolute.

Accordingly, the present petition is allowed.

May 17, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No