

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61586-2018

Date of Decision: 29.01.2019

Darshana Rani

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Raghav Goyal, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Inderjit Singh, J. (Oral)

Petitioner Darshana Rani has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.235 dated 15.11.2018, registered at Police Station City South, District Moga, under Sections 304-A, 316 and 120-B of the Indian Penal Code.

Notice of motion was issued.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

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

Learned counsel for the petitioner submits that as per the post mortem report, the copy of which is placed on record as Annexure P-3, the fetus before birth was dead. He further states that the mother has died due to shock not due to any negligence on the part of present petitioner. The present petitioner is stated to be a private nurse/midwife.

In pursuance of the interim order dated 20.12.2018, passed by

this Court, the petitioner has already joined the investigation. She is not required for custodial interrogation. No useful purpose would be served by sending her to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 20.12.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

29.01.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No