

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

CRM-M-47109 of 2019.

Decided on:- January 14, 2020.

Vijay Kumar and others

.....Petitioners.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Surender Dhull, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Satbir Singh Gill, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in FIR No.28 dated 21.07.2018 under Sections 304-B and 302 read with Section 34 IPC registered at Police Station Khuhikhera, District Fazilka.

Learned counsel for the petitioners states that after registration of the FIR, the matter was investigated by the police and the petitioners were found innocent. However, it is on the basis of an application under Section 319 Cr.PC moved by the prosecution, the petitioners were summoned to face trial in the case.

Learned State counsel states that the deceased had died because of the burn injuries.

At this stage, learned counsel for the complainant has submitted that immediately before the death of Shamista Kumari, petitioner No.1 Vijay Kumar had visited the house of complainant along with his brother Ajay Kumar and on the very next date, the deceased had died because of burn injuries.

Considering the fact that the petitioners were found innocent during investigation and it is only on the basis of an application filed by the prosecution under Section 319 Cr.PC, they have been summoned to face trial, this Court finds that the culpability of the petitioners is yet to be established during the trial.

Accordingly, the present petition is disposed of with a direction that in case the petitioners surrender before the trial Court within a week from today, they shall be released on bail subject to their furnishing bail and surety bonds to the satisfaction of the trial Court.

The petitioners shall also furnish an undertaking that they will appear before the trial Court regularly and will not hamper the proceedings in any manner.

January 14, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No