

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

**CRM-M No. 22194 of 2020 (O&M)
Date of decision: 10.02.2021**

Gagandeep and another Petitioners.

Versus

State of Haryana Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Shivansh Malik, Advocate, for the petitioners.

Mr. Arun Beniwal, DAG, Haryana, for the respondent.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioners are anticipatory bail in FIR No.306 dated 18.05.2020, under Section 302 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Shivaji Colony, Rohtak, District Rohtak.

Learned counsel for the petitioners contends that there is a delay of six days in registering the FIR wherein it is alleged by the complainant that her son had been killed by the petitioners. He, however, contends that the petitioners and the deceased had gone to swim in the canal and the deceased had died due to drowning. The petitioners had in fact tried to save him. The body was recovered on 13.05.2020 and after carrying out proceedings under Section 174 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' - for short), the body was cremated and the FIR was lodged after five days of the cremation. He also contends that the post mortem report indicates that the death took place due to drowning. He further contends that the police has

now filed a cancellation report as stated in the affidavit of DSP.

Issue notice to the respondent.

At the asking of the Court, Mr. Arun Beniwal, DAG, Haryana, accepts notice on behalf of the respondent-State. He while relying upon the affidavit filed by the DSP submits that cancellation report has been prepared on 09.01.2021 and the same shall be filed before the Court. It is also stated in the affidavit that no incriminating evidence is available against the accused.

Without expressing any opinion on the merits of the case and in view of the above, I deem it a fit case to grant the concession of anticipatory bail to the petitioners.

Therefore, the petitioners are directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on their doing so, they shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 of the Cr.P.C. The petitioners shall continue to join investigation and shall furnish an undertaking that they shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C. Thereafter, they will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed of in the aforementioned terms.

(ANUPINDER SINGH GREWAL)
JUDGE

10.02.2021
Ramesh

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