IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33590-2020 (O&M)
Date of decision: 11.01.2021

Rajwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. V.S. Mahal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.37 dated 01.03.2019 under Sections 452, 304, 34 IPC, registered at Police Station Raman, District Bathinda.

While granting interim bail to the petitioner, following order was passed by this Court on 30.10.2020: -

"… Learned counsel for the petitioner argues that even as per the allegations, the only act attributed to the petitioner is of pushing the deceased Surjit Kaur. Learned counsel for the petitioner submits that as per the opinion given by the Doctors, the possibility of suffering a heart attack by the deceased resulting in death cannot be ruled out. Learned counsel for the petitioner

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further submits that the petitioner has already cooperated in the enquiry, which was being conducted by the police and is ready to cooperate further and there is nothing to be recovered from the petitioner and, therefore, petitioner be granted the benefit of anticipatory bail.

Notice of motion. Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and has filed status report of the investigation in Court today. The same is taken on record. Learned State counsel keeping in view the reply filed, concedes that as per the opinion of the Doctors, which has been received, the possibility of death due to heart attack is not ruled out. Learned State counsel further concedes that nothing is to be recovered from the petitioner. The prayer of the custodial interrogation is not pressed by the learned State counsel keeping in view the facts and circumstances of this case.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances, which have been recorded above, especially the fact that the opinion of the Doctors have stated that the possibility of death due to the heart attack is not ruled out and whether the said heart attack was precipitated by any act done by the petitioner, is to be proved during the trial and as nothing is to be recovered from the

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petitioner at this stage and the petitioner has already undertaken to join and cooperate in the investigation, the petitioner has made out a case for the grant of anticipatory bail..."

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from ASI Nirmal Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 30.10.2020 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No

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