

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-39534-2020

DATE OF DECISION: 24.08.2021

AMIT KATARIA @ AMIT KUMAR

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Parvesh Sachdeva, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. Kamal Narula, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No. 168 dated 08.08.2020, under Section 304 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station City Fazilka, District Fazilka.

Learned counsel for the petitioner contends that it is alleged in the FIR by the complainant, who is the brother of the deceased, that the deceased had informed him on telephone at 08:10 a.m. on 08.08.2020 that she has been beaten up and administered poisonous substance by the petitioner, who is the husband of the deceased. He, however, contends that the petitioner was at his shop at the time of occurrence and the deceased had herself consumed poisonous substance. She was taken to M.M. Singh Hospital by their neighbour, namely, Bagga, who also informed the petitioner. The petitioner had rushed to the M.M. Singh Hospital and as the condition of his wife was critical, the hospital refused to admit her and the petitioner himself took the deceased to Civil Hospital, Fazilka. He also contends that the children of the petitioner, who are of the age of 13 and 9 years respectively, were also present in the house and are still residing with the petitioner. The incident took after 15 years of their marriage and there is no material whatsoever to indicate that the relations between the petitioner and the deceased were strained at any point of time. In the post-mortem report, there

were no injuries and after perusal of the viscera report, the doctors have opined that the cause of death is due to aluminium phosphate poisoning.

This Court, by the order dated 16.12.2020, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, upon instructions from ASI Bhagwan Singh, states that although the petitioner has joined investigation but in view of the serious allegations against him, he is not entitled to the concession of anticipatory bail. Short affidavit of DSP, Sub Division Fazilka filed by the learned State counsel through email is taken on record.

Learned counsel for the complainant contends that in view of the serious allegations against the petitioner, he is not entitled to the concession of anticipatory bail.

In view of the above and the petitioner having joined investigation, the order dated 16.12.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

24.08.2021

SwarnjitS

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