

102.

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

CRM-M-57052-2022

Date of Decision: 13.12.2022

SANJEEV KUMAR AND OTHERS

.... Petitioners

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. D.S. Malwai, Advocate,
for the petitioners.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners under the newly added Section 304-B of IPC as they are already on regular bail in FIR No.47, dated 23.07.2017, under Sections 306, 34 of IPC, registered at Police Station Kanwan, District Pathankot.

Counsel appearing on behalf of the petitioners herein would contend that initially in the aforesaid FIR No.47, the petitioners had been allowed bail, however, the evidence having been led and the arguments addressed, the trial Court has opined that there is a necessity of framing charge under Section 304-B IPC, which order the petitioners have challenged in CRR No.2720 of 2022 before this Court. Counsel would submit that since the evidence has already been concluded, custody of the petitioners under the newly added Section would not be required.

Notice of motion.

At this stage, Ms. Deepali Puri, Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of respondent-State. She would submit that it is opinion of the trial Court itself that Section 304-B IPC ought to be added and, therefore, the bail under the newly added section should not be allowed.

I have heard learned counsel for the parties and am of the opinion that the petitioners have been on regular bail in the case since 2018 and have not misused the concession of the same during entire trial, therefore, their custody under the newly added section would not be required.

In view of above, the instant petition is allowed. The petitioners shall be released on bail by the trial Court on their furnishing adequate personal/surety bonds to its satisfaction in the event of their arrest under Section 304-B IPC at any stage during the trial under FIR No.47 dated 23.07.2017 registered at Police Station Kanwan, District Pathankot, subject to usual terms and conditions.

(JAISHREE THAKUR)
JUDGE

13.12.2022

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No