

2023:PHHC:102571

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(205)

CRM-M-45231-2022

Date of decision:- 08.08.2023

Sandeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lovish Arora, Advocate for the petitioner.

Mr. Virat Rana, AAG, Punjab.

HARPREET SINGH BRAR, J. (Oral)

The present petition has been filed for grant anticipatory bail in FIR No.190 dated 27.08.2023 under Sections 498-A, IPC, 1860 at Police Station City Moga, District Moga.

On 20.03.2023, following order was passed by the Co-ordinate Bench of this Court:-

XXXX

In the meanwhile, petitioner shall join investigation on 27.03.2023 at 10:00 A.M before the Investigating Officer and cooperate with the Investigating Agency even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 22.05.2023.

Perusal of the status report dated 02.03.2023 filed by the State reveals that the FIR was lodged under Section 498-A of IPC on the statement of Nisha Rani on 27.08.2022. On 29.08.2022, father of the complainant, namely, Lalit Kumar moved an application before the Senior Superintendent of

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2.

Police, Moga, for adding the offence under Sections 302 and 307 of IPC in the FIR against the petitioner.

On the said application, the investigation of the case was conducted by Deputy Superintendent of Police, City Moga and it was found that the complainant was undergoing treatment in AIIMS, Bathinda and both her kidneys were already damaged and she unfortunately died on 26.08.2022. As such, there is no evidence with regard to death of the complainant being homicidal, rather she died due to the failure of her kidneys. She was having chronic kidney disease and was undergoing continuous ambulatory peritonela dialysis. She had acute onset of headache followed by unconsciuousness on 23.08.2022.

Learned State counsel on instructions from ASI Gurdeep Singh has informed that the petitioner has already joined the investigation and he is not required for further investigation.

In view of the statement of learned State counsel, order dated 20.03.2023 is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

Petition stands disposed of in the aforementioned terms.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

08.08.2023

Spn

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