

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

Date of Decision: 17.12.2016

1. Crl. Misc. No. M-21565 of 2016

Deepak Bhatia Petitioner

Vs.

State of Punjab Respondent

2. Crl. Misc. No. M-26764 of 2016

Jatinder Bhatia Petitioner

Vs.

State of Punjab Respondent

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Vikram Chaudhri, Senior Advocate with
Ms. Isha Goyal, Advocate for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

Mr. Sandeep Sharma, Advocate for
Mr. Veneet Sharma, Advocate for the complainant.

JASPAL SINGH, J.(Oral)

By virtue of the instant common order, this Court intends to dispose of two petitions bearing Crl. Misc. No. M-21565 of 2016 and Crl. Misc. No. M-26764 of 2016 preferred under Section 438 of the Code of Criminal Procedure – Deepak Bhatia and Jatinder Bhatia have sought anticipatory bail in case bearing FIR No.118 dated 5.12.2015, registered under Section 306 IPC at Police Station G.R.P., District Amritsar. In both the petitions, the common points of discussions are involved.

At the time of issuance of notice of motion, in case titled as

Deepak Bhatia v. State of Punjab - Crl. Misc. No. M-21565 of 2016, on 21.6.2016, the following order was passed:-

“The petitioner seeks pre-arrest bail in case FIR No.118 dated 5.2.2015 under Section 306 of the Indian Penal Code, Police Station G.R.P., District Amritsar.

Ld. Counsel for the petitioner states that the allegations in the FIR were earlier enquired into by the S.D.I., GRP, Ludhiana, and the petitioner was exonerated from the charges, which report was further approved by the ADGP (GRP), Punjab. She further states that the name of the petitioner does not figure in the representation/ complaint (Annexure P-8), which was allegedly recovered from the body of the deceased.

Notice of motion for 26.7.2016.

In the event of arrest, the petitioner Deepak Bhatia shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the conditions provided under Section 438(2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Whereas in another petition captioned as Jatinder Bhatia v. State of Punjab – Crl. Misc. No. M-26764 of 2016, the order passed on 11.11.2016, reads as follows:-

“A similar petition filed by the co-accused of the petitioner is pending before this court for November 23, 2016.

This petition has already been ordered to be heard on the

same date with the other petition vide order dated September 29, 2016.

Notice to Advocate General, Punjab, for November 23, 2016.

Meanwhile, an interim direction is issued that the petitioner will join investigation on November 19, 2016 and in case of his doing so, he will be released on interim bail to the satisfaction of the arresting officer.

At this stage, counsel for the complainant Mr. Sandeep Sharma has put in appearance to inform that the matter has been compromised.”

At the very outset of the arguments, Mr. J.S. Sekhon, Assistant Advocate General, representing the State, on instructions from Inspector Deepak Singh, Crime Branch, Punjab has submitted that the petitioner – Deepak Bhatia had joined the investigation on 28.6.2016 whereas another petitioner – Jatinder Bhatia had joined the investigation on 19.11.2016. Since they have joined subject to interrogation, their presence is no more required for further interrogation. Otherwise also, the investigation is still pending and it is a question of investigation whether the report under Section 173(2) Cr.P.C is likely to be presented or not.

Taken into consideration the aforesaid aspects of the case but without expression any opinion on the merits of the case, both the petitions No.Crl. Misc. No. M-21565 of 2016 and Crl. Misc. No. M-26764 of 2016 are allowed and in the event of the arrest of the petitioners, they shall be released on bail to the satisfaction of the Arresting Officer/ concerned

Court.

This order shall be reviewed during pendency of the trial.

A photocopy of this order be placed on the file of connected
case.

December 17, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/reasoned	Yes
Whether Reportable	Yes/No